I.

THE BARONY OF MOUSWALD AND ITS BARONS: A PAGE OF BORDER HISTORY.

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The earliest reference to Mouswald yet ascertained takes us back to the time of Alexander II., and is thus cited in the *Calendar of Documents relating to Scotland* (vol. i. No. 1684): "Richard de Bancori quit claims to his lord Robert de Brus and his heirs, the whole land of Loyerwode by these bounds, viz., from Pollnilin as far as Blakebeck, as the half of the moss extends and from said half of the moss as far as the water of Loyer with a certain common pasture in the fee of Comlongan which the said Robert's men of Musfaud were wont to have from the granter in farm for one mark yearly. Saving to the granter his wood in . . . . . gigo as before the date hereof. Appends his seal. Witnesses Sir Adam de Carnoto, Sir David de Parco, Sir Umfridus de Kirkepatric, Sir Roger de Kirkepatric, Sir William de St Michael, Sir Engram de Musseus, James the Clerk, and others."

The deed is a curious one in itself, and worthy of attention in connection with the history of the district. The name "de Bancori" may be compared with the Aberdeenshire "Banchory," which appears in several parish and place-names in that county. "Robert de Brus," to whom the conveyance is made, was probably the great-grandfather of the king. "Loyerwode" is now known as "Locharwood," the "Loyer," now the Lochar, being the stream which flows through the Lochar Moss, falling into the Solway at a point close to Powhillon, the "Pollnilin" of the deed. A reference to the "Atlas of Scotland, 1832," will show the precise spot. "Comlongan," still so known, has long belonged to the Murrays of Cockpule (now Earls of Mansfield), and is to this day possessed by that family. There seems no room for doubting that Musfaud is the modern Mouswald, a parish which adjoins the moss and embraces a considerable portion of it. It is a coincidence that to this day Markland is the name of a farm belonging to Lord Herries, quite close to Locharwood, and within 2 or 3 miles of Comlongan. The men

of Mouswald at this early period clearly were vassals of Bruce, leasing the pasture from "de Bancori." From references kindly supplied by Mr George Neilson, it seems tolerably certain that "Engram de Musseus," one of the witnesses to this charter, should be "de Muscens," and that it is a misspelt variant of Muscamp. The name appears in a charter of Alexander II. (*Scots Acts*, vol. i.); see also Bain, *Cal.*, vol. i. 1685, and the Inquisitio Davidis in the *Glasgow Cartulary*—where "Reinald de Muscans" is a witness. So far as Mouswald itself is concerned, the usually accepted derivation has been Mosswald, or wood on the moss (*wald = weald*, wood, forest, *cf.* Bosworth's *Anglo-Saxon Dictionary*). The traditions of the neighbourhood still tell of a great oak forest which spread from Mouswald by Torthorwald as far as Tinwald Kirk at least, so dense that it is said a man might have traversed the distance from tree to tree without ever putting foot to ground. Entries in the first volume of the MS. Records of the Justiciary Court prove the continued existence of great woods in the district at least as late as 1504, when Robert Anderson "in le banks de Mouswald" was fined twenty pounds for having destroyed the woods known as "silva de Mouswald." Another entry in the same volume is as follows:—"Jacobus mous prope lochmabane. In voluntate pro destruccione silvarum de lochmabane, bukrig, sleichrig, Rammirskalis et rowkellpark." Gavin Murray, a brother of the Laird of Cokpule, was bail for the offender. "Rowkell" is of course "Rockhall," where some old trees still remain. No doubt, it then lay well in the forest. Again, the "foresta de Dalton" of the neighbouring parish can be traced far back in history. All or nearly all the names already mentioned are of Saxon or Norse origin, and certainly this is the prevailing character of the place-names of the district. Traces, however, exist of an earlier Celtic nomenclature, and there seems good reason to think one example may be found in the name of a field immediately adjoining the ruined tower of Mouswald. The ground at this point rises into a ridge on which is a large stone, traditionally called "the Druid Stone," probably an ice-borne boulder, though its precise character has yet to be determined. On a private map of the estate the field bears the name of "Mallathum," which may be referred to the Celtic "meall-na-tuam," the "mound of the tomb." A

curious corroboration of the probability of this theory has been obtained recently from Mr Charles Carruthers, born 1st October 1794, and, early in the century, tenant of Mouswald Place. In a letter from his daughter-in-law, dated Charlesfield, Annan, 26th June 1888, she says, apropos of an inquiry as to the stone and the discovery of beads in the field :—"There was no other stone near it. We have a few of the beads which were found at the stone, also one or two found in a stone urn at some distance to the west in a field on a green knoll where two plane-trees grew; it was called at that time Closegreen. Mr C. was planting a hedge, and came upon the urn about two feet below the surface; the body had been burned; the ashes and charcoal were mixed in the urn; some of the beads were metal and some amber, but the metal ones were so much corroded that on exposure to the air they went to pieces." There were also found "an old spear-head in the garden at the back of the house," a bronze celt, several bottle stamps, part of a cannon ball, and other objects, all of which Mr Carruthers has presented to the Museum.

The family which history has most strongly connected in all ways with Mouswald is that of Carruthers. As early as the time of king Alexander II. (1215–45) we find William Carruthers of that Ilk mentioned as having made a donation to the abbey of Newbotle; while again, in 1296, Simon Carruthers, parson of Middlebie, is found amongst those who swore fealty to king Edward I. of England (*Historical MSS. Commission*, 6th Report, Appendix, p. 709). Carruthers, from which the family take, or to which they gave, their name, is in the parish of Middlebie, though it was formerly a separate parish, and so remained until 1609, when, with Pennersax, it was united to Middlebie. Various conjectures have been made as to the derivation of the word "Carruthers," but it is pretty certain that at any rate the origin is Celtic—"Caer-" "Rythyris" or "Ruderis." Much careful inquiry leads to the opinion that the meaning is "The Fort of Rydderch," for the following reasons:—Rydderch Hael, son of Tudwal, king of Cumbria, was the victor in the great battle of Arderryd (now identified as Arthuret, near Carlisle) fought in 573 A.D. His opponent Gwendoleu was killed, and his principal stronghold "Caer-Gwendoleu (now Carwinlow) was captured. It seems a highly probable suggestion that a

fort called after the conqueror should also be found near the scene of the battle, and Carruthers is but a few miles distant. Adamnan (*Life of St Columba*, book i. cap. 8) styles Rydderch "King Roderc." The saint was born in 520, and died in 597; whilst his biographer, born in 624, died in 704, so that he was writing of a battle which took place little more than fifty years before his own birth. From "Caer-Rydderch," the early forms of spelling, such as "Carruderis," "Carutheris," "Carrothir," and so forth, lead one may almost say naturally to the modern name. Rydderch however, or to modernise it Roderic, was a not uncommon name among Cumbrian Britons, and Mr Cochran-Patrick has kindly supplied a reference to "Clorydderch," a farm in the parish of Lochwinnoch, Ayrshire. On the ground is a large standing stone, once the centre of a circle, which is undoubtedly the "Clo." The place is styled in the *Cartulary of Paisley* (Maitland Club, p. 14), "Clogh-rodric," or the stone of Roderic. Compare in this connection the name Linton-Roderick in Peeblesshire, called also Linton-Rotherikis in the possessive form (*Robertson's Index*). Bain mentions that, in the thirteenth century, the family of Carruthers were stewards of Annandale under the Bruces, and that they were also keepers of Trailtrow Preceptory, and guardians of the "Old Kirk Ford" of Hoddam, &c.

Turning, however, from these inquiries to the district of Mouswald itself, we find that, under King Edward I., in 1303, and perhaps previously under the Bruces as lords of Annandale, a provost was the proper officer who rendered the accounts. The references are in these terms:—"3s. 6d. from the provostry of Mosefald," and again at Martinmas 1303, the rent "of Mosefald 13½ qrs. oatmeal over and above the 3s. 6d. money rent" (*Calendar of Documents relating to Scotland*, vol. ii. p. 426). From a further entry, on the following page, we learn that even in those early days of Wallace and his oppressors there existed at Mouswald a mill. "2 qrs 5 bushels 1 peck oatmeal and 2 qrs 5 bushels 1 peck malt oats, of the farm of Mosefald Mill." These provostries, of which a considerable number can be enumerated in Annandale, are thought, and seemingly on well-founded grounds, to indicate the existence in the south of Scotland of the English village system, with the provost as head man of the community. It may be noticed incidentally, that this payment of

rent by produce, the system of "fermes," was for long centuries a marked feature of Scottish agriculture.

There is no doubt that the family of Carruthers supported King Robert the Bruce, and that they were rewarded accordingly. In or about the year 1320, the Carruthers were distinctly connected with Mouswald, destined ere long to become their principal seat; for King Robert granted a charter in favour of Thomas, son of John of Carruthers, of the whole lands of "Mussald" and "Apiltretwayt," with pertinents. "Robertus, &c., Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Thome clerico filio Johannis de Carutherys omnes terras de Mussald et de Apiltretwayt cum pertinenciis . . . . . Reddendo inde annuatim nobis et heredibus nostris prefatus Thomas et heredes sui," &c. (*Reg. Mag. Sig.*, vol. i. p. 18). The Justiciary Records of 1504 incidentally mention "Apiltrequhat."

The fidelity of Thomas "the clerk" of Carruthers to the House of Bruce, does not seem to have stood the test of the troublous days following on the death of King Robert, for in 1334 we find him taking office under Edward III., whose deed of appointment dated at York runs thus:—"Sciatis quod constituimus dilectum nostrum Thomam le Clerk de Carrothres receptorem exituum castri peli et terrarum de Loghmaban ac Vallis Anandie quamdui nobis placuerit," &c. Similarly he was appointed to "officium cancellarie nostre de Loghmaban ac Vallis Anandie," with charge of the seal (*Rot. Sc.*, vol. i. p. 263).

Another charter is also stated (*Robertson's Index*, p. 93) to have been granted "Thome Clerico filio Johannis de Carutheris medietatem totius terre que fuit Roberti de Applynden in valle Anandie, ratione Joanne spouse sue." Evidently this lady was heiress of Applynden. It may be noticed incidentally that this prefix "Apple" is not seldom found amongst the place-names on both sides of the Western Borders. Thus we have Applegarth and Appleby, nor would it be a great stretch of fancy to credit these districts with numerous orchards in these days.

It may be that Thomas "le Clerc," the first Laird of Mouswald of the Carruthers stock, merely bent before the storm, and was not after all at heart a traitor; but at any rate his brothers stood firm, and one of them,

William, is mentioned by name as a brave supporter of the national cause in the reign of David II. Wyntoun speaks thus of him in 1335 :—

> Quhill this thus gat tretyd was,
> Willame off Carrothyris ras,
> With hys brethir, that war manly,
> And gat till him a cumpany,
> That as schawaldouris war wa[l]kand
> In till the vale off Anand.
>
> —*Cronykil*, bk. viii. cap. 29, l. 4361.

The *Liber Pluscardensis* (bk. ix. cap. 31) also refers to the same man. "Crescente igitur rumore arridentis fortunæ, quidam benevolus ejus qui diu in abditis latitando cum fratribus in valle Anande nuncquam ad regis Angliæ fidem flecti poterat, audiens hoc, congregatis amicis et benevolis [ejus] ad dictum Robertum Stewart accessit, nomine Willelmo de Carrutheris."

In 1340 Sir Nigel de Karuthir of the same stock, and probably one of the brothers of William mentioned by the chronicler, filled the high office of Chamberlain to the Regent (*Exchequer Rolls*, vol. i. pp. 458, 462). Probably also Sir Nigel is the Chamberlain of Scotland, who is mentioned by Boece as having fallen in 1346 at the battle of Durham; at all events, after that date, the Exchequer Rolls no longer bear his name.

"William Carruthers of Mosswald" obtained a charter of the lands of Middlebie from King David II. on the 10th September 1351. The date, however, is given in the MS. Inventory of the Queensberry Charters as "Dec. 10, in the 21st year of David's reign, which was 1349." The gift also included the "patronage of the Church of Middleby, then in the Crown by the forfeiture of Thomas de Lyndby, who had taken part with the English" (*Historical MSS. Commission*, 6th Report, Appendix, p. 709). Perhaps it was through these gifts of patronage that so many of the Carruthers' name are to be found amongst the Churchmen of this and the following century, but, whatever the cause, the fact remains. A deed of the Abbots of Dunfermlyn and Neubotle is addressed, on 7th November 1351, to several persons of

whom one is "Nigel de Carotherys," a canon of Glasgow (*Cart. of Paisley*, p. 140).

A few years later King David seems himself to have visited Mouswald; for, on 10th December 1361, he there granted a charter to John of Carruthers of one-half of all the lands formerly belonging to John of Rafhols (Raffles), and lying within the tenement of Mouswald. It was to be held on the usual conditions of service, and the "Great Seal of Annandale" was appended to the deed. Robert Carruthers, lord of Mouswald, was a witness. The deed ran thus:—

David Dei Gracia Rex Scottorum et Dominus Vallis Anandie omnibus probis hominibus tocius terre sue salutem Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Johanni de Carrotheris dimidiam partem omnium terrarum que fuerunt quondam Johannis de Rafhols jacentem infra tenementum de Mousfald Que viz dimidia pars se extendit ad quinquaginta solidos sterlingorum et in manus nostras devenit racione forisffacture Tenendam et habendam predictam dimidiam partem omnium terrarum predictarum cum omnimodis pertinenciis suis libertatibus commoditatibus et aysiamentis, ad dictam dimidiam partem omnium terrarum dictarum spectantibus, seu quouis modo de jure spectare valentibus dicto Johanni de Carrotheris et heredibus suis libere quiete bene integre honorifice et in pace de nobis et heredibus nostris in perpetuum Faciendo inde annuatim dictus Johannes et heredes sui nobis et heredibus nostris servicium debitum et de jure consuetum In cuius rei testimonium sigillum nostrum vallis predicte presenti carte nostro jussimus apponi Apud Mousfald decimo die mensis Decembris anno regni nostri tricesimo tercio; hiis testibus Roberto de Corry domino de Newby Roberto de Carrotheris domino de Mousfald Willelmo de Creghtoun domino de Dryuesdal, Vmfrido Jardyn domino de Apilgarth, Johanne de Jonestoun domino ejusdem [Johan]ne de Dunwothy domino ejusdem, Johanne de Caldicotys domino de Hoton, Johanne . . . tho . . ra . . et multis aliis.

It will be noticed that this charter did not convey Raffles itself to John of Carruthers, but merely one-half of those lands lying within the Mouswald tenement, which had belonged to John of Rafhols. Indeed, more than a century later "Raffulgil," no doubt representing the other portion of these lands, was joined to the Mouswald estates. This important charter of 1361 was practically the foundation of the Holmains branch of the Carruthers family. John was in all probability a brother of the Laird of Mouswald, and though the grant of Holmains

itself did not take place till 1425, it included these lands which seem to have been the first acquired by that family. The places where these old deeds profess to have been signed or sealed, as a general rule, were by no means necessarily the actual places of formal execution; but, in this case, there seems some good reason to think that King David himself was at Mouswald, because the witnesses are found to be all persons of note in the immediate neighbourhood. Besides the Laird of Mouswald, we find Robert Corry of Newby, William Crichton of Dryfesdale, Humphry Jardine of Apilgarth, with John Johnstone of that Ilk, and John Dinwoodie of that Ilk, while, in the mutilated word at the end, the name of the adjoining stronghold of Torthorwald may probably have been written (*Historical MSS. Commission*, 6th Report, Appendix, p. 709).

Fig. 1. Seal of George de Dunbar, Earl of March.

The existence of a distinct district of Annandale, with well-defined limits, may be traced back to the earliest times, though the origin of the name has never been ascertained. It is interesting to notice the reference to a separate seal for this valley of the Annan (Annandale). The existence of the seal is further attested by a charter granted in

1375 by George de Dunbar "comes marchie dominus vallis Anandie et Mannie" to Roger of Carrutheris of the four pound land in Little Dalton ("in villa de Paruo Daltoun"), and eight merk land in Holmains ("Holmendys"), and forty shilling land in Fourteen-acre-bank ("Fortenakerbank"), which had previously belonged to "Robertus de Lawadare de Vrqward Miles" (Robert Lauder), and to "Hugo the Larde," but had been forfeited by them. The conveyance to Roger of Carruthers includes also the advowson of the church of Little Dalton, "una cum advocatione ecclesie de paruo Daltoun," and the Earl, at his Castle of Dunbar, ("sigillum nostrum vallis Anandie apponi fecimus") adhibits his seal of Annandale (*Historical MSS. Commission*, 6th Report, Appendix, p. 710).

On 17th January 1370–1, "Johannes de Caruthris, rector ecclesie de Revel de Scotia," had a permit from Edward III. to go to Oxford to study at that university for two years, and at the same time similar permission was accorded to several other ecclesiastics (*Rot. Sc.*, i. 942).

One "Simon de Carrutheris," perhaps the same who was the first Laird of Mouswald bearing that name, witnessed a deed on 17th Sept. 1394 (*Cart. of Paisley*, p. 108).

"John of Carruthirs" is mentioned as one of those who in 1398 became responsible for the Earl of Douglas, as warden of the West Marches. The occasion was that of a meeting of certain Scottish and English commissioners at "Clockmabane Stane," in the parish of Gretna (*Fœdera*, vol. viii. p. 58, ed. 1727; and *Cal. of Docs. relating to Scotland*, vol. iv. No. 512).

Archibald, Earl of Douglas, Lord of Annandale and Galloway, appears to have been in the habit of making considerable grants of land to his esquires, for in the interval between 1409 and 1424 Gilbert Grierson (Greresoun), one of them, received "Mekildaltoun" and Dormont; whilst in the case of Mouswald the feudal ties between the Carruthers family and his own were strengthened by no less than six grants of lands, "containing together the several lands here following, viz., those of Mousewal, Middleby, and Dornock, with the patronage of these three parish churches, and the lands of Hetland-hill, Logan-tenement, Hodholm, Tunyrgarth, Westwood, and Roclef, all held of the granter, and rendering

as follows :—for Mousewal, Hetland-hill, and Logan-tenement three silver pennies yearly 'nomine albæ firme,' in the parish church of Moussald, and for the rest the services used and wont." Dated at Louchmabene, Dec. 4, 1411 (Original produced in *Loc. of Moffat*, 1852). It has been surmised that the recumbent effigy of "Sir Simon" Carruthers, still existing in the churchyard of Mouswald, represents this "esquire" of the Earl of Douglas, but it must probably be referred to a much later date—that of the last or last but one of this baronial family. The statue is in red sandstone, the head resting upon a double pillow tasselled at the corners. The figure is in armour, and girt with a sword, the hands being on the breast and placed together in an attitude of supplication; but the whole figure has suffered most seriously from exposure and neglect. Formerly it was inside the church, and with it an effigy also of the baron's wife, but her monument being of lighter colour, has disappeared, being utilised for flagstone polishing by the villagers!

A churchman, named Nigel Carruthers, in 1419 had a safe conduct through England and France, as chaplain of Thomas Morwe, abbot of Paisley (*Cal. of Docs. relating to Scotland*, vol. iv. No. 891). On the 8th Feb. 1425 Archibald, Earl of Douglas (Comes de Douglas et de Longavile,dominus Galvidie et Vallis Anandie), granted at Lochmaben Castle a charter to John of Carruthers, who was pretty certainly the son or grandson of the grantee in the charter of 1361 already mentioned, and must not be confounded with John of Mouswald, captain of Lochmaben Castle.

The charter of the Earl was in these terms :—

Omnes et singulas terras nostras de Holmiendis, de Parua Dalton, de Raf[hol], [de Ple]wlandis, de Auldtoun, de Copwood, de dimedietate de Bengalhil, de Egilfechane, de Fourteneakirbank, [de Newlandis] de duabus marcatis in Crefe jacentibus, de una marcata in Glaisteris jacente, de dimediatate v[ille de Perisby cum] pertinenciis, necnon de duabus terris husbandiis cum una saltcote in Revele jacente, et de decem solidatis terrarum cum p[ertinenciis] Kirkstile jacentibus in parochia de Revele predicta.

The seal of the regality of the Lordship of Annandale was affixed: "Sigillum nostrum regalitatis dominii nostri Vallis Anandie." The blanks, in the portion of this charter now given, have been filled in from a later part of the same deed, which enables this to be

done with tolerable certainty. As regards the places mentioned, we are still familiar with the names of Holmains, Raffles, Plewlands, Bengalhill, Fourteenacrebank, and Ecclefechan. The last, it may be, observed, shows, in the early spelling of this deed, clear evidence of its

Figs. 2 and 3. Seals of Archibald, fourth Earl of Douglas, and his wife the Princess, Margaret Stewart. Charter of 9th April 1425. [By the kind permission of the Earl of Home, through Sir W. Fraser, K.C.B.]

derivation and meaning, "Church of St Fechan." The common modern way of pronouncing Ruthwell is "Rivel," which preserves the ancient form "Revele" to memory, and the old churchyard of Kirkstile has been the quarry whence came certain ancient carved tombstones now to be

seen, inappropriately enough, built into the external wall of the Free Church at Mount Kedar, on the borders of the two parishes of Mouswald and Ruthwell.

Surnames, to a large extent, first arose in Scotland from the ownership of property; at least it is certain that the proprietors at first were known by the names of their lands, with only a Christian name prefixed, such as John of Carruthers, William of Cuninghame, &c. The well-known Lochar Moss, of which a considerable part is in Mouswald parish, seems oddly enough at one time to have given a name to a family; for King James I., on 3rd January 1426, confirmed a charter granted by Archibald, Earl of Douglas, on 10th May 1419, to Michael Ramsay of Rammerscales and Greenlands ("Ramarskalis and Greenlandis"), to him and Christian his spouse of the lands of "Harthuat jacentes infra forestam suam de Daltoun et dominium nostrum vallis Anandie supradictum que quidem terre alias in manibus fuerunt Rogeri de Lochirmos." One of the witnesses was no less a personage than Robert of Lauder, justiciar south of the Forth. Who this Roger of Lochar Moss may have been it is not now possible to learn, but there is some reason to think, from the expression "in manibus," that his title to the lands was not a very good one. Robertus de Loghirmosse is mentioned (*Rot. Sc.*, i. 960) as having a permit from Edward III. He was probably of the same family, but at any rate was a merchant of some position, as his permit includes also servants. Dalton, it seems, was a forest, and the reference also gives us Rammerscales as an old name in that parish. It became the property of a branch of the Carruthers stock in later days.

In July 1429 "Sym of Carruthers," probably a brother of John, was commissioner for the West Marches (*Cal. Docs. relating to Scotland*, vol. iv. p. 404–5). The document is an "indenture made at Hawdenstank," between certain Royal Commissioners for Scotland and England respectively. Again, in 1436, a payment was made to Sir Laurence Carruthers, as chaplain to Master John Gray at Bruges. Sir Laurence, who no doubt was of the Mouswald family, seems to have been a churchman of some influence, as the occasion of Gray's visit to Bruges is otherwise known to have been certain important diplomatic negotiations (*Exchequer Rolls*, vol. iv. p. 676).

On 10th September 1438, a charter was granted to John Carruthers of Mouswald by Archibald, Earl of Douglas (*MS. Inventory*). The same John Carruthers, on 31st May 1439, obtained a charter from John Halliday of Hoddom. I am inclined to think that probably the name Hallidayhill, still preserved in Dalton parish, and, until recently, a part of Hoddom estate, is derived from this family, the Hallidays of Hoddom. John Carruthers of Mouswald, however, was an important personage and figures in history as captain or keeper of Lochmaben Castle, "Capitaneus castri de Louchmabane," in 1446. Payments were made to him repeatedly in that capacity (*Exchequer Rolls*, vol. v. pp. cviii and 284, 521). The mother of John Carruthers was Elizabeth Dinwoody, who describes herself as the widow of "Andrew de Carruthers of Mousewal," in a grant which she made to her son, with the king's licence for the purpose. These both still exist, bearing dates 20th January and 7th March 1446. There is also still extant the lady's resignation to the Crown, and the consequent charter to her son of the lands of Howthat (Houtquhat), Stanneries (Staneras), and Wamphray (Wamfra), for the services used and wont. These Wamphray lands lie in the Dinwoodie district, and seem to have come as the lady's dower. The charter and seisin, proceeding on the grant and licence, are dated 6th and 30th April 1449 (*MS. Inventory*).

"John Carrutheris de Muswalde" is mentioned in 1447, and in 1452 he is styled "de Mousfald." In this same year "Simon de Carutheris," doubtless a relative, obtained sasine of the lands of "Severig," now Searigg, a farm on the estate of Denbie, still owned by a family of Carruthers. There is a curious entry in the Records of the Court of Justiciary (*MS. Justiciary Records*), under date 1504, in these terms:—"Dominus de Seifriggis presentavit Willelmum Murray sectatorem pro terris suis de saifrigis et juravit." The name of the place is very like "Severig," and the probability of the reference being to a Carruthers, its laird, is greatly increased by the fact that the lands of the Murrays (Earls of Mansfield) to this day adjoin the Searigg farm. King James II., by charter also, in 1452, gave and confirmed to John Carruthers de Moussald, "All and whole the lands of Moussald, Logane Tenement, Medilby, Drounok, Ellirbek,

Haitlandhill, Cummertreis, Hoddome, Tunyrgarth, Hallathis, Cullyngand, Houtquhat, Staneras, and Wamfra, with the mills, rights of patronage, and other pertinents, all lying in the stewartry of Annandale and sheriffdom of Dumfries." The quequidem bears that these lands had belonged to the said John heritably, and were resigned by him in the hands of the king, who by this charter erected them into the Barony of "Caruyeris," August 20, 1452. (Original produced in *Loc. of Moffat*, 1852.)

It will be observed that there is no mention of the lands of "Carruthers" proper in this deed, and, in point of fact, from the very outset the barony seems to have been styled indiscriminately "of Carruthers" and "of Mouswald." Two years later, in 1454, the Castle of Lochmaben, then so important a stronghold, was seized by the sons of the Laird of Johnston, owing to the treachery of a porter. John Carruthers, the Keeper, was captured and imprisoned, and from this date the accounts no longer bear his name as recipient of the official salary of £40 a year (*Asloan MS.*, pp. 17 and 25). Moreover, the weakness or the indulgence of the Crown is shown in the fact, that the Johnstons were allowed not only to retain possession but even to draw the salary.

Fig. 4. Arms of Carruthers of Mouswald, from the MS. of Sir David Lindsay of the Mount, 1542.

History does not reveal the fate of the first Baron of Mouswald, but it seems likely that he either died in prison or was put to death, for in the same year in which Lochmaben Castle was betrayed, there was "a seisin of the Barony of Mousewal in general granted to Archibald Carruthers of Mousewal, pursuant to a precept from the Crown, and another precept of Lord Maxwell as Stewart of Annandale, Nov. 18, 1454" (*MS. Inventory*). Not the least interesting feature in the history of Mouswald and its Lairds is the very gradual process by which the barony was acquired. The importance of the Carruthers family had gradually increased with their enlarged estates; but in some way the oldest portion of the family possessions, Carruthers itself, seems to have passed into other hands at a very early period. How or when this happened it is

not now possible to ascertain, but a reference to the lands bearing the older name of the barony occurs in 1464, when Sir John Carlile (Caerlele), afterwards Lord Carlile of Torthorwald, obtained the ward of the lands of Dryfesdale and Carruthers (*Exchequer Rolls*, vol. vi. p. 280). An incident which occurred in 1466 conveys some idea of the difficulties and dangers of travelling in the lower portion of the parish of Mouswald near the River Lochar. John Maxwell, steward of Annandale, in his accounts for that year, refers to the death of Thomas of Murray, who was drowned in the Lochar Water by his horse :—"Thomas de Moravia submersus in aqua de Lochir per eundem equum" (*Exchequer Rolls*, vol. vii. p. 309). It is probable that this was one of the Murrays of Cokpule, in the parish of Ruthwell, a place close to where the Willow Burn enters the Solway, and near also to Comlongan Castle. In the sixteenth century the Murrays became allied by marriage to the Lairds of Mouswald.

An instrument of sasine, dated 22nd January 1468, still exists; it is in favour of Alexander "Caruderis," son of Alexander Caruderis, in the lands of Glengapp and Gerartgill (Garragill), in the lordship of Wamphray and stewartry of Annandale (*Warrender Royal Charters*). In this same year William, 8th Earl of Douglas, assembled all the chief men of the Border at Lincluden to revise the Border laws, and from the minutes of this convention it appears that Pantath-Hill, part of Mouswald barony, was one of the stations at which beacons were to be kept. "Thair sall ane Baill be brynt on Trailtrow Hill, aneuther on the Panthat-Hill," &c. (*Riddell's MSS.*, vol. ii. p. 224). Among the Queensberry Charters is a tack, dated 27th February 1469, granted by Elizabeth Ridewood, Lady of Robertquhat (Robbiewhat) of those lands to Gilbert Carruthers (*MS. Inventory*), though the lady's name is given elsewhere as "Underwood" (*Warrender Royal Charters*); and the *Cartulary of Paisley* supplies us with the name of "Dominus Johannis de Mousfald vicarius de Kilmaurs," one of the witnesses to a deed executed on 1st December 1469. In all these instances the locality of the lands seems to indicate a connection with the family of Mouswald, and the dates in the case of Gilbert and John rather point to their having been brothers of Archibald, the Laird, between 1454 and 1484.

Archibald Carruthers of Mouswald appears as a litigant and pursuer, in an action raised and decided on 13th May 1471, against Thomas Corry of "Neuby." The question at issue was the taking of the customs and tolls of Annandale, and "foggage" of "Wodcokare" was claimed by both tack and gift of the Duke of Albany. Carruthers obtained a judgment of the Lords Auditors in his favour by virtue of his tack, the tack to Corry being declared of no avail, as it had been made through "Robert umquhile Lord Boyd" (*Acta Auditorum*, p. 13). The disgrace and overthrow of the Boyds may have had not a little to do with this decision. "Woodcockeyre," a name at least as old as the twelfth century, is a very beautiful portion of Hoddom estate, and its foggage was probably of value in those days, especially to Newby, whose lands lay on the low ground close to the Solway. It is also said to have afforded summer pasture to the horses of the garrison of Lochmaben Castle.

On 3rd March 1471, there is recorded an action at the instance of Symon Carruthers against John Maxwell, steward of Annandale, for various outrages and offences against him. It is curious to find amongst the offenders the name of John Rorison, who may well have been an immediate ancestor of one who, nigh a century later, married one of the heiresses of Mouswald (*Acta Auditorum*, p. 22).

Symon Carruthers here mentioned was perhaps the nephew of Archibald, laird of Mouswald, for it is known he had a nephew of that name. On 5th April 1476, Alexander, Duke of Albany, Earl of March, Lord of Annandale and Man, High Admiral of Scotland, and Warden of the East and West Marches, granted at Lochmaben ("apud castrum nostrum de Lochmabane") a charter of "Holmendis" (Holmains), "Litill Daltoune," and "lie Fourtenacris" (Fourteenacrebank) to "John Carrutheris," son and heir of John of Holmains. To this deed various witnesses appended their names, and amongst them Archibald Carruthers of Mouswald ("Archibaldus Carruderis de Moswalde") and Cuthbert Murray of Cokpule (Cuthbertus de Moravia de Cokpule). It is probable that the latter was the brother of that Thomas whose death by drowning has already been mentioned. It could scarcely have been his son who was drowned, for a deed is given by Riddell (*MSS.*, vol. ii.), in which mention is made of "Thomas of Murraye, son and appearande ayr to

Cuthbert Murray of Cockpool," as well as of Charles and Cuthbert, younger sons. The date is 1487. On 12th March 1478, John, Lord Carlile of Torthorwald, is found claiming from Archibald Carruthers of Mouswald £20 sterling for Robert Simson, an Englishman; and on 15th May 1478, [Sir] William "Carruderis, capellaneus," is found witnessing a deed (*Cart. of Paisley*, p. 161; *Acta Auditorum*, p. 72).

Archibald Carruthers, on 13th October 1479, and at the same time James, his brother, and Symon, his brother's son, are mentioned (*Acta Auditorum*, p. 86); and in this year (1479) yet another churchman occurs, "Roger Carrutheris vicarius de Drumfres" (*Acts*, vol. ii. 127). Of him we know from other sources that he was one of the givers of the church plate of that town.

It is interesting to note that Cuthbert Murray of Cokpule, whose daughter subsequently married the Baron of Mouswald, was summoned to the Scottish Parliament in 1481 (*Acts*, vol. ii. 132*a*).

Archibald Carruthers was again at law in 1483, for, on 27th February in that year, there is recorded an action at his instance against Robert Crichton of Sanquhar, sheriff of Dumfries, and Edward Crichton, his depute. The point at issue was the alleged bastardy of "Henry Carruthers, son of the late Symon Carruthers," but the Laird lost his cause, as he was shown to have been remiss in pursuing an action of bastardy (*Acta Auditorum*, p. 135). These continued litigations, though possibly due to the innate pugnacity of Archibald, may more probably be explained by the fact that undoubtedly, with the fall of the Earls of Douglas, the family of Mouswald had lost their great patrons. In those troubled times, to be without powerful friends was to become an object for plunder by neighbouring vultures watching ever for their prey, and it haply went somewhat hard with the Laird of Mouswald until he contrived to ingratiate himself apparently with King James III., who granted, in 1484, to his esquire, Archibald Carruthers of Mouswald, and his heirs, the lands of Raffulgil, containing 20 solidi of the "auld extent," in the lordship of Annandale, sheriffdom of Dumfries, on the resignation of Herbert Grymes. The deed runs thus:—"Rex concessit armigero suo Archibaldo Carrutheris de Mousfald et heredibus ejus terras de Raffulgil continentes 20 sol. antiqui extentus in dominio de

Ananderdale vic. Drumfreis, quas Herbertus Grymes resignavit" (*Reg. Mag. Sig.*, i. p. 334).

The new addition to the possessions of the family was important from military as well as personal considerations. Its acquisition must have considerably tended towards the consolidation of the somewhat scattered portions of the barony. Raffulgil is now known as Raffles, and is on the very borders of Mouswald parish. The remains of a tower are still to be seen there, situated on the edge of a ravine, in what must have been naturally a strong position; and tradition maintains that, even before this period, the tower of Raffles had belonged to the Carruthers, though there is no known authority to confirm such a view. It is not difficult to see, from the scanty ruins in one or two places, that the walls must have been very thick, and several powerful arches remain to indicate a vaulted basement. The general outline shows that it was once a largish Border keep.

It seems a fair inference that by 1484 the family of Mouswald had come to feel how important to them the possession of Raffles would be. Its position gave it command of one of the minor routes from the Marches into portions of Annandale, and in the hands of hostile neighbours a route lay past it by which a raid could be made upon the strongholds at Mouswald, Holmains, and even Torthorwald, with the lands of the Carruthers family lying northwards of the "gill," not to speak of Hetland-hill and Pantath-hill, immediately flanking Raffles on either side, and "Severig," in the hands of the family, close at hand. In the name of "Raffulgil" we have a Cumbrian termination clearly descriptive of the situation of the place. Since the fall of their former patrons, the Earls of Douglas, more than thirty years before, the house of Mouswald had been less prosperous, but with this addition of Raffles, and the good-will of James III., the tide seems to have turned once more in their favour.

There is, in 1485, a reference to Simon Carruthers of Mouswald (*Historical MSS. Commission*, 6th Report, Appendix, p. 709), and in 1487 [Sir] William Carruthers, no doubt of the same family, was rector of Dalton (*Muniments of Glasgow Univ.*, vol. ii. p. 248). We must conclude that Archibald Carruthers of Mouswald died between 1484–5,

both from the mention of Simon in the latter year, and from the fact that the Laird of Mouswald was not included in the summons of forfeiture pronounced in 1488 against Cuthbert Murray of Cokpule, his immediate neighbour. Archibald seems to have belonged to the king's party, amid the confusion and civil war of the closing years of James III.'s ill-fated reign, and had he been alive after the murder of that monarch at Sauchieburn, he would surely have been included among those denounced as traitors (*Acts*, vol. ii. pp. 201–3–6). In 1492 the *Exchequer Rolls* give a sasine of Simon Carruthers in "Mousfald, Logaintenement, Ruffulgil, Hatland Hillis, Middilby, Drounok, Holdoun, Dundevy, Kirktilhous, Westvoud," thus affording an enumeration of the various lands possessed by the family at that time (*Exchequer Rolls*, vol. x. p. 764).

The Inventory of the Queensberry Charters gives an instrument of sasine "in favour of Christopher Carruthers of Mousewald, upon a precept by Adam Kirkpatrick, for infefting him in the lands therein mentioned, dated 5th May 1495;" but there seems no reasonable doubt that this is an error, and that the name should have been Simon, for there was a Simon of Mousewald in 1485 and in 1492, and there is no doubt that Simon was the name of the Laird in 1498, as will be shown presently.

The sasine of 1495 may be fairly regarded as the first step on the path by which we approach the history of another important and interesting addition made to the baronial possessions of Mouswald at the very close of the fifteenth century. This new acquisition embraced both the Pennersex estate and that of Westkalis.

The previous transaction of 1495, between Adam Kirkpatrick and the Baron of Mouswald, was followed by a grant of Westkalis (in the parish of Gretna) "by Adam de Kirkpatrick of Pennersex, and his resignation in favour of Simon de Carruthers of Mousewal, June 15 and 20, 1498." The title of the granter in this deed proceeded upon a seisin to George Kirkpatrick of Pennersex "upon a grant by the superior Corry of that Ilk, of the 5 mark land of Westkails, old extent, lying in the tenement of Corry," the seisin in question being dated 5th March 1454 (*MS. Inventory*).

In the year 1499 Adam de Kirkpatrick disposed of his ancient family inheritance, and Pennersex, now known as Pennersaughs, was added to the baronial possessions of Mouswald. The following brief abstract of the titles of this estate, down to its incorporation with that of Carruthers, sufficiently illustrates the history of the lands:—

1. Grant (undated) "by William de Brus to Yvon de Kirkpatrick, of the land of Pennersex called Thorbeck, or Williamby, for military service seiz the eighth part of a warlike or effective man." Upon this it may be remarked that the name "Thorbeck" unites to "beck" the common Cumbrian word for stream "thor," whatever that may mean. Perhaps it is the same word which appears in the equally ancient name Torthorwald. "Williamby" was no doubt derived from the name of its owner, with the usual suffix "by," as seen in Lockerby, Middleby, Netherby, Canobie, and other places near.

2. Grant (undated) "by King Robert Brus to Stephen de Kirkpatrick, knight, both of the land and mill of Pennersex, then depending on the Lord of Annandale, by service according to use." The date probably was about 1320.

3. Grant by "Archibald, Earl of Douglas and Longueville, Lord of Galloway and Annandale, to his kinsman Sir Thomas de Kirkpatrick, Lord of Closeburn, of the Patronage of the Parish Church of Pennersex in the Lordship of Annandale, for homage, fealty and service, according to letters apart there referred to, May 5, 1428."

4. Grant "by the same Earl, Duke of Touraine in France, to George de Kirkpatrick, upon the resignation of his father, Sir Thomas, both of the lands and patronage before mentioned, to a series of heirs, one after another, on failure of that George and his issue male, June 13, 1432."

5. and lastly, Grant "by Adam de Kirkpatrick of Pennersex, with two consequent resignations to the Crown and a precept of King James IV. for passing a charter accordingly in favour of Simon de Carruthers of Mouswald and his heirs, not only of the above patronage, but likewise of the lands of Pennersex, making 20 *l.*, old extent, March 19 and July 3, 1499" (*MS. Inventory*).

Having thus traced the history of the Pennersaughs addition to Mouswald barony, we may add that in 1501 the same Simon Carruthers

obtained from Walter Scott of Buccleuch a grant of the lands of Robert-hill (*Historical MSS. Commission*, 6th Report, Appendix, p. 709).

Sir Simon Carruthers, as he is styled in the *MS. Record of the Privy Seal* (Advocates' Library), was foully murdered. From the *Justiciary Records* it appears that this crime was committed before the Circuit Court of Justiciary was held on 30th August 1504, at Dumfries, by Andrew Lord Gray, justiciar south of the Forth. The recorded account of that circuit commences formally thus :—"Curia Itineris Justiciarie domini nostri Regis tenta et Inchoata apud burgum de Drumfreis die martis decimo tertio die mensis Augusti anno domini quingentesimo quarto coram nobili et potenti domino Andrea domino Gray Justiciario supremi domini nostri regis ex parte australi aque de forth generaliter constituto sectis vocatis curia affirmata absentes patebant," &c. One of the entries relating to what occurred during the sitting is as follows :—"David bell de mydilbe sepe vocatus ad Intrandum thomam bell de le brume ad subeundum legem pro arte et parte crudelis interfectionis quondam Symonis Carutheris de Mouswald sub pena xl. ℔. et non comparens in amerciamento summe predicte et predictus Thomas denunciatur ad cornu Regis et bona sua exhastantur regi." Another entry runs thus :—"Dominus de castelmylk sepe vocatus ad intrandum thoman bell de curre ad subeundum legem pro arte et parte crudelis interfectionis quondam domini Mouswald sub pena Ic ℔. et non comparens in amerciamento summe predicte et predictus Thomas denunciatur ad cornu" (*MSS. Justiciary Records*, vol. i.). These entries show that Thomas Bell of the Broom and Thomas Bell of Currie were accused of the murder of the Laird of Mouswald, but not appearing to stand their trial, their sureties, David Bell of Myddleby, and Alexander Stewart, then laird of Castlemilk, had to pay respectively £40 and £100 (Scots). It is also said that Stephen Johnston was accused. The names of those charged with the crime, and the localities with which they and their sureties were connected, seem to point to the deed having been done in some quarrel connected with the acquisition or posssesion of Pennersex. The notices of the crime at this early date, when, unfortunately, such occurrences were but too common, point also to the conclusion that the circumstances were very aggravated. Both Bell of

the Broom and Bell of Currie were doubtless related to the Bells of Myddleby. Castlemilk is also close to Pennersex, and Johnston was no doubt a scion of the great house of that name, which, some sixty years before, had imprisoned, if they did not actually bring about, the death of John Carruthers, captain of Lochmaben Castle. A fair case seems thus to be made out for grounds of enmity exciting the persons accused to the commission of their dreadful crime.

In 1505 the name of James Carruthers occurs as a witness. It seems probable that this James is the same person mentioned in 1479 as a brother of Archibald, then laird of Mouswald (*Act Parl.*, vol. ii. p. 265, and *Acta Auditorum*, p. 86). At this time the chief magistrate of Dumfries was styled "Aldermannus" and not "Prepositus" or Provost (*Justiciary Records*); but the change in the designation is seen in a curious notarial instrument touching the burgh and its jurisdiction, dated 31st July 1508, where Nicholas Macbrair, the chief magistrate, is styled "Prepositus" in one part of the deed, whilst in another place "the correctioun and punytioun of blude perteinis to the Alderman Bailzeis and Ouersmen of the said Burgh."

In 1512 King James IV. granted a charter of Mouswald, Middlebie, &c., to "Simon, son of Simon Carruthers of Mouswald" (*Historical MSS. Commission*, 6th Report, Appendix, p. 709). No doubt the grantee was the son of the murdered laird. A curious name, "Branzane," occurs early in the sixteenth century in connection with the Lochar Moss, of which a large portion is in the parish of Mouswald. One Nicholas Lawson, "apud le redkirk," was charged before the Justiciar with being art and part in various thefts of horses and cows, "extra lochirmoss," his victims being Walter and Matthew Branzane and James "Nelesone." The Branzanes are also found during this century residing in the royal burgh of Dumfries. The thefts of those days were not always so readily capable of proof, though a conviction was obtained against Thomas Steill at the same court, "de furtiva captione unius apearii apium pertinentis Willelmo Jarding." The name Jardine leads to the remark that in a list of those who about this time became sureties for Patrick Grahame, the *Justiciary Records* supply the names of the leading families in the Annandale district. Amongst those

enumerated are John, Lord Maxwell, Adam Johnston of that Ilk, John Jardine of Applegarth, John Murray of Cokpule, Alexander Stewart of Castlemilk, John Carruthers of Holmains, Robert Graham of Thornyheugh, Robert Carruthers, probably of "Myddilschaw," and Thomas Dinwoodie of that Ilk (*MSS. Justiciary Records*, vol. i.).

At this time, and indeed for a long period of history, nicknames were much used on the Border, as they are still in the Western Highlands, in order to distinguish the various members of clans or septs all rejoicing in a common patronymic. Thus we find "Johannes Irwin vocatus 'duk'," and one Rae known as "red-hede," whilst another is designated "lang Jok." This family of Rae or Raa seems to have been numerously represented in Dornock, and to have been under the patronage of the house of Mouswald; for in 1504 it is recorded how "Domina de Mouswald," probably Simon's widow, became surety for no less than four of them, viz., Robert "Ra" called "Knewlta," another Robert, John Ra, the son of Thomas Ra "in dronokwood," and Thomas called "hannay." Like other Borderers, the Raes seem to have been troublesome and contumacious, so that "indictati et non comparentes" is in most cases the sole record in answer to the proceedings of the criminal court against them.

On the 8th of July 1516 King James V. (or those acting in his name) confirmed at Edinburgh, to Simon Carruthers of Mouswald and to Katherine Carlile, his wife, the seven merk lands of Dornock, one merk of Cummertrees, three of Howthat, four of Panthawat, five of Hetlandhill, and five of Cocket, extending in all to 25 merks of land in the stewartry of Annandale and sheriffdom of Dumfries, which Simon himself resigned:—"apud Edinburgh 8 Jul. Rex, &c. confirmavit Simoni Carrutheris de Mowswald et Katherine Carlile ejus sponse 7 mercatas terrarum de Dronok 1 mercata de Cummirtreis 3 mercatas de Howthuat 4 mercatas de Panthawat 5 mercatas de Hatlandhill et 5 mercatas de Coket extenendas in integro ad 25 mercatas terrarum in senescallatu vallis de Ananderdale vicecomitatu Dumfris quas idem Simon personaliter resignavit."

Panthawat obviously is Pantath, now a farm on Hetland estate, in the parish of Mouswald, and adjacent to Raffles, which has already been

referred to. The other places are well known still under the same names.

On 14th November 1517, in a letter of procuratory addressed by Robert, Lord Maxwell, to King James V. and John, Duke of Albany (then Regent), we find "Symon Caruthers of Mouswald" and "Archibald Carutheris in Loganvodend" among the persons named as procurators for resigning into the king's hands certain lands in Annandale, called "Sorowsik" and "Medilschaw," in favour of "Robert Carruthers of Medilschaw." The writ is dated and sealed at "Lochmabane."

This Robert Carruthers is mentioned in the *Justiciary Records* some thirteen years earlier, as having been surety for William Carruthers, brother of the Laird of Mouswald, who was accused of being art and part "precogitate felonie facte Johanni diksone de Lochirwood veniente super eum sub noctis silentio" (*Justiciary Records MS.*, vol. i.).

In 1535, Simon Carruthers was heir to his father Simon in the Mouswald estate and the other possessions of the house (*Historical MSS. Commission*, 6th Report, Appendix, p. 709).

The story of the district begins to increase in interest as the great baronial family of Carruthers runs out rapidly to its melancholy close. The main stem of the race was soon to come to an end, but some early branches, such as that of Holmains, were yet for more than two centuries to be connected with the neighbourhood. One of that family, "John Carruderis de Holmendis," was a witness to a charter, dated 4th July 1537, by which Robert, Lord Maxwell, granted the lands of Arkiltoun, Ewesdale, to Ninian Armstrong (*Liddesdale and the Debateable Land*, Appendix, No. 28, p. xxxv).

The Court Book of the burgh of Dumfries records, on 19th June 1537, a dispute between "Schir" Mark Carruthers, parson of Mouswald, and a certain John Brown of Dumfries, probably one of the Carsluith family, to which the well-known Gilbert Brown, and other abbots of New Abbey, are supposed to have belonged. The dispute arose concerning the gable rights of a house in the burgh. Sir [Mark] is again mentioned in 1538 (*Liber Coll. Nostri Domini*). He was also a notary public, and numerous documents yet exist to attest his employment in that capacity. In this same year 1538, "apud Linlithqw, 4 Mar. Rex

confirmavit cartam servitoris sui Symonis Carruderis de Mowswald qua pro amore, &c. ac pro pecuniarum summis sibi et Willelmo Litill burgensi de Edinburgh nomine suo persolutis concessit Agneti Murray filie Cuthberti Murray de Cokpule (in ejus virginitate et ante complementum matrimonii inter se et dictam Agnetam) in vitali redditu 10 libratas terrarum de Dronok antiqui extentus cum piscationibus earundem quibuscunque 7 mercat de Mouswald ant. ext., per Joh. Rowle Halbertum Dicksoun Christopherum Carruderis Helenam Robsoun relictam Thome Carruderis Joh Alansoun et Halbertum Alansoun occupatas, in senesc. Vallis Anandie vic Drumfries" (*Reg. Mag. Sig.*, vol. ii. p. 428, No. 1922).

It will be noticed that, amongst the tenantry here mentioned, occur names still well represented in the district. Simon Carruthers had succeeded his father Simon only about three years before the date of this deed, and his marriage, like that of his father, was no doubt in some measure influenced by a politic regard to future contingencies, for, like the Carliles of Torthorwald, the Murrays of Cokpule were a family of note and position in the district. Reference has already been made to Cuthbert Murray, the father of Agnes, the last Lady of Mouswald of the ancient stock, and there is no doubt that he was a man of great consideration in his day.

The Lairds of Mouswald, however, had need of all the influence and power they could secure, for the house of Douglas had cast its eyes upon their fair possessions, and it may be said that the shadowy outline of a coming doom can be read in "a Bond of Fealty, Service and Dependance" which, on 28th January 1544, "was entered into by Roryson of Bardannoch in favour of Sir James Douglas, 7th Baron of Drumlanrig (*MS. Inventory*, 940, Appendix, No. 5). This was no doubt Andrew Rorison, to whom his son Thomas was retoured heir on 10th July 1563. Not many years were to pass ere the existence of this bond proved to be one of the means by which the Douglases brought about the ruin of the Carruthers' family, and obtained for themselves almost all their estates.

Simon Carruthers meanwhile was doing his best in every way to strengthen his position, almost as if he anticipated some dangers in the

immediate future. In 1544, two years after his kinsman John of Holmains had obtained a similar boon, Simon got from Queen Mary a new erection of parts of the older barony of Carruthers, together with various additional lands, into the free barony of Mouswald. The portions named were all and whole the 20 pound land of "auld extent" of Mouswald, Howthat, and Hetlandhill, with the tower, fortalice, mills, advocation and donation of the church of Mouswald; 20 pound and of "auld extent" of Logane Tenement, with mills; 10 pound, "auld extent" of Dornock, with fishings; 40 solidi "auld extent" of Cummertrees; one mark land in Stanneries; 20 pound land of "auld extent" of Pennersaughs, with the right of presentation to the church thereof; 5 mark land "auld extent" of Westkalis; 2 mark land "auld extent" in Hoddom; one mark land "auld extent" in the Holms of Annan, called Blaeberrylands; half a mark in Westwode, with the dependants of all the said lands in the stewartry of Annandale, which the Laird resigned for the purpose of obtaining the new grant of barony. The instrument of sasine following on this is dated 12th January 1544 (*Carruthers Papers*).

Fig. 5. Arms of Carruthers of Holmains. Registered 1672.

The actual terms of the original deed are :—

Apud Edinburgh 27 Dec. Regina &c. confirmavit et de novo dedit Symoni Carrutheris de Mouswald 20 libratas terrarum antiqui extentus de Mouswald Howquhat et Haitlandhill cum turre, fortalicio, molendinis et advocatione ecclesie de Mouswald; viginti libratas antiqui extentus de Loganetenement cum molendinis; 10 libratas antiqui extentus de Dronok cum piscaria; 40 solidos antiqui extentus de Cummertries; unam mercatam in lie Stanmereis; 20 libratas antiqui extentus de Pennersax cum advocatione ecclesie ejusdem; 5 mercatas antiqui extentus de Westkalis; 2 mercatas antiqui extentus in Howdom; unam mercatam antiqui extentus in lie Howmis de Anand (Blewberrylandis nuncupatis); dimediam mercatam in Westwode cum tenentibus &c. omnium dictarum terrarum in senesc. vallis Anandie quas idem Symon resignavit et quas regina incorporavit in liberam baroniam de Mouswald (*Reg. Mag. Sig.*, vol. ii., No. 3041).

The order of succession in the entail, which, in view of subsequent

events, became important, was first to Symon and his heirs male, whom failing, to his brothers successively John, William, and Christopher, and their heirs male, whom failing to Archibald, his uncle, then to Archibald Carruthers in Roberthill, and his brothers George and David successively, then to John Carruthers in Woodfoot (Wodfute), then to John Carruthers in Holmhead (Holmhed).

With regard to the various places mentioned, Logan Tenement is east of Moffat, and is said to have come into the Carruthers family by way of gift at a very early period. An old tower still exists on the farm. Woodfoot is also within 2 or 3 miles of Moffat, to the south ; it now forms part of Lord Rollo's property. There is no doubt, of course, that "Dronok" is Dornock, and the reference to the fishings makes this quite clear. The fishings of the Annan were at least worth the trouble of protection by this time, for as early as 1540 a charge of fishing "tempore prohibito, super aquam de Anand" is to be found in the records of the Justiciary Court held that year at Dumfries.

Cummertrees, the "hollow" or "valley of trees," is still the name of a neighbouring parish, in which lies "Stanneries" also. Pennersax, now Pennersaughs, has already been mentioned. It belongs to the ducal house of Buccleuch, having passed to them through their Douglas titles and descent. Westkalis is in the parish of Gretna. The Holms of Annan, called Blaeberry lands, were on the banks of the river, opposite Dormont, but a little higher up.

It will be observed that the "tower and fortalice" of Mouswald are expressly named, although there is every reason to believe that the tower, whose ruins still exist, is of a date considerably earlier than that of Simon's grant, seeing how long a period had elapsed since first Mouswald had given a designation to its owners. It is also evident that a church existed at this date in the parish. No doubt, this was the building removed about 1815 and replaced by the now existing edifice. Mr Charles Carruthers in Charlesfield, near Annan, who was born towards the end of last century, remembers this old church, which is described as having been very small.

In 1547 Lord Wharton took a list of "Gentlemen and Principall Headsmen of the West Marches of Scotland" who had made oath and

delivered pledges to serve the English sovereign, with the number of persons whom they would produce as following them appended to each name. In that list appears "Simon Carruders" in "Annerdell," with 71 men; while the towns of Dumfries and Annan have respectively 221 and 33. Lord Carlile of Torthorwald is put down for 101, the Laird of Applegarth for 242, and Carruthers of Holmains for 162, though there seems some doubt as to this last number. It is evident that for a baron of the minor degree Simon Carruthers was a very powerful man, though of course not to be named beside those like the Master of Maxwell, who could muster 1000 men or more (*Liddesdale and the Debateable Land*, Appendix, lxxiv). There is reason to think that Simon Carruthers was a knight, at least that is the inference from an allusion to him in a deed in the *Register of Retours*, dated 1607 (vol. iv. folio 56).

The last reference to Simon Carruthers seems to be in the Acts of the Scottish Parliament (*Act. Parl.*, vol. ii. p. 481), in the year 1548, when, upon the 12th of June, both "Carruthers of Mouswald" and his kinsman "of Holmhendis" (Holmains) are mentioned. The document is imperfect, so that unfortunately the Christian name in both instances has been lost, but there seems no reason to doubt that Simon was the person indicated. These two Border lairds, along with others, amongst whom figure "John Jardane of Apilgirth, Gawyne Johnstoun of Kirktoun, Johnstoun of Cragoburn, Cuthbert Irwin of Robgill, and Cuthbert Johnsstoun of Lochirbe" (Lockerbie), were charged with "certain crymes of tressoun and lese majeste."

It is tolerably certain that Simon Carruthers of Mouswald was alive, if not on 12th June 1548, at least a very short time prior to that date; and, on the other hand, he was obviously dead before 13th August 1548 on which date, at the Abbey of Hadingtoun, Queen Mary granted, by letter of gift, ward and marriage of his two daughters to Sir James Douglas of Drumlanrig, in the following terms:—"The warde of all lands, annual rents, &c., whilk pertenit to the deceased Simon Carruthers of Moussald, and now, through his decease, in the hands of the Crown, by reason of warde with all mails, fermis, &c., during the time of the said warde, together with the marriage of the aire or aires maile or famell

quhatsumevir of the said lait Simon, that sall happin till succeid to him in his heretage, with all profittis of the said marriage" (Original MS. produced in *Loc. of Moffat*, 1852, from the Queensberry Charter Chest).

There is no account extant of the cause or manner of Simon Carruthers' death, but one circumstance strongly points to his having been killed in a Border raid by the "Thevis of the Marche," namely, that Lord Herries, in a report upon the state of the Marches thirty years later, to which reference will be made hereafter, includes the Laird of Mouswald among the barons slain in this way. This could scarcely refer to any other than Simon, seeing that Sir James Douglas, who obtained the estate, long survived the date of Lord Herries' report.

Simon Carruthers left no son, and consequently, on his death, questions arose as to whether his two daughters Janet and Marion became coheiresses of the barony, or whether it passed under the entail of 1544 to the heir male, who is said at this time to have been John Carruthers of Woodfoot, probably a son of William, brother of the 8th laird. Within the short space of four or five years, no less than seven of the series of heirs named in the entail had failed, some of them very probably having been killed in the raid in which Simon fell. John was himself dead before 1560.

A lawsuit ensued, in which Douglas was ultimately successful, by bargaining for a small sum with the heir-male, "who probably could not carry on the contest, as appears from a subsequent deed." The entail was set aside, and the young ladies became coheiresses in the lands of their father, though, as events proved, it would have been better for them to have lost the suit than won it. All the papers connected with this litigation seem to have perished.

Meanwhile, the grasp of the Douglases was swiftly tightening upon the doomed race, and apparently they did not disdain to seek strength by gaining the help and service of other branches of the Carruthers family, for a bond of "fealty, service, and dependance" was entered into on August 15, 1550, by Carruthers of Holmains, to Sir James Douglas of Drumlanrig (*MS. Inventory, Queensberry Charters*, 940, Appendix, No. 5).

In the same year, under date 20th April 1550, the following important entry occurs in the Register of the Privy Council :—

The quhilk day forsamekill as my Lord Governour and Lordis of Secreit Counsale are advertesit that the house of Mowswald is presentlie in the hands of Robert Lord Maxuell, nochtwithstanding it is perfitlie understaud to thaim that James Douglas of Drumlanrig, Knycht, is donatour in and to the ward and marriage of Mouswald and hes thairthrow rycht to the samyn. Thairfor it is devisit and ordainit that the said house and place of Moswald salbe deliverit to the said Schir James Douglas, donatour foresaid, to be kepit be him during the tyme of the said ward, and decernis and ordainis this present act and ordinance to be gud and sufficient discharge to the said Lord Maxwell tuiching the keping and delivering of the said house, siclik as the said Lord had speciale command and charge thairupoun (*Reg. Priv. Conc.*, i. 96).

It will be observed that in this deed the name of the barony is spelt in no less than three different ways.

The entry seems to show that, although in the Queen's name ward and marriage had been granted by the Regent Arran to the Douglases, yet Lord Maxwell had obtained possession of the "house of Mouswald," and kept them out. His Caerlavrock possessions were much nearer the coveted barony than Drumlanrig, and no doubt he had taken advantage of the dispute between Sir James Douglas and the heir-male. Moreover, the Murrays of Cokpule, the maternal relatives of the heiresses of Mouswald, were attached to the Maxwell interest, if we may judge by the existence of a bond of man-rent by Cokpule to Lord Maxwell in 1487 (*Riddell MSS.*, vol. i. p. 81), and Comlongan Castle, their residence, was quite near to Caerlavrock, lying, indeed, on the road between Mouswald and the great Border fortress.

The power of the Laird of Drumlanrig, however, was daily increasing, and on 31st August 1553 a commission was issued by Queen Mary in favour of Sir James Douglas, appointing him "Warden and Justiciary of all the West Marches of Scotland;" while again, on 23rd October 1555, he obtained another and similar commission (*MSS. Inventory of Queensberry Charters*, 940, Appendix, 5). In this family were thus vested powers of life and death over a district where already they possessed great domains.

[Sir] Mark Carruthers still continued at this date to be Rector of

Mouswald, for his name occurs in that capacity as a witness to a charter of certain lands in Holywood, granted by Thomas, perpetual commendator of Holywood, and its convent, in favour of Robert Maxwell of Cowhill and Elizabeth, his spouse (*Reg. Mag. Sig.*, vol. iii. p. 441, No. 1773).

[Sir] Mark was the last pre-Reformation holder of the benefice, and connected with the Lairds of Mouswald, though from a reference in 1575 to John Carruthers of Drumillane, Newabbey, "brother's son of Schir Marc Carruthers, parson of Mouswald," he must have belonged to that branch of the family, whose tenure of Drumillane lasted far into the eighteenth century. [Sir] Mark was dead before 1580.

Meanwhile the two young heiresses of Mouswald were not, at least for a time, without friends on their mother's side to look after their interests, as will be seen hereafter. Charles Murray of Cokpule, their maternal uncle, was a man who took an active part in local affairs. His name appears as one of the sureties for certain persons who on 14th May 1557 "found caution to underly the law at the next aire of Dumfries for abiding from the Queen's army ordained to convene at Lochmaben stane, &c." (*History of Galloway*, pub. 1841, vol. ii. Appendix, p. 1).

On 18th January 1557 a retour was expede within the Burgh Court of Edinburgh before certain parties as Stewards of Annandale in that part by Jonete Carrutheris, as the older daughter and one of the two heirs of her father in all his lands. (Original produced in *Loc. of Moffat*, 1852.)

In 1560 Janet Carruthers, the elder of the two daughters of Simon, coheiresses of Mouswald, was married to Thomas Rorison of Bardannoch, the son of that "Roryson of Bardannoch" who had entered into a bond of fealty to Sir James Douglas in 1544. Bardannoch is in Glencairn, and in the parish of Dunscore. No time was lost in turning this marriage to account, and on the 14th March 1560, Douglas got the lady to make over to himself, by a deed executed at Drumlanrig, her half of Mouswald and the other estates of Simon, her father. The deed was as follows :—

Contract dated at Drumlangrik the 14th of March 1560 entered into betwix Sir James Douglas of Drumlangrik, Knight, on the ane part and Jonet Carrutheris eldest dochter and ane of the twa airis of lyne of umquhile Simon Carruthers of Mouswald on that other part in maner form and effect as eftir

fallowis : That is to say forsamekill as the lairdship and leiving of Mouswald with the pertinents lyand in the Stewartry of Annandale in the Sheriffdom of Drumfries lies in sa troublous ane cuntre that the said umquhile Simon gat little proffite thairof in his lyfetyme Bot the samen for the maist part was eithir reft or withhaldin fra him, or laid waist, and that there was ane charter tailzie made of the samen sa that thairby his dochters airis of lyne war destitute of his heritage and leving Quhilk charter tailzie and infeftment the said Sir James upone his expensis hes gottin reducit with all that followit or may follow thairupoun and hes made greit and large expensis in pley of the said reductioun and als in satisfieing of umquhile John Carrutheris pretendit aire of taillie of the said umquhile Simon Carruthers extending to twa thousand pundis monie of the realme quhairof the said Janet's pairt extendis to ane thousand pundis and als the said Sir James Douglas obtenit be gift of our souerane Lady with aviss of James Duke of Chatelherault Earle of Arrane Protector and Governor of her realme to hym his airis and assignais the warde and marriage of the said Janet and payit and depursit thairfor the soume of ane thousand pundis monie foirsaid and sicklyke hes susteinit in meit drink and cleithing and other necessars her be the spaice of . . . . . zeires bipast, and now last of all the said Sir James bindis and oblissis him his airis and executouris to contract the said Janet in marriage with Thomas Roresoun of Barndanoch and to obtain infeftment of conjunct fee to the said Thomas and her and to the aires lauchfullie to be gotten betwix thaim of All and haill the five pund land of auld extent of Drumragane with the pertinents lyand in the parochine of Glencairn within the Sheriffdom of Drumfries and to pay with the said Janet in name of tocher to the said Thomas Roresoun the soume of ane thousand markis and als to hauld in household with him and sustein the said Thomas and Janet with thair servandis honestlie as affeiris for the spaice of twa zeiris, and als to provide the said Janet and her aires ane honest and sufficient livein quhair sche culd nevir have bruicked her awin lievin peciablie be raisin the saime lyes in sa brokin ane cuntrie as said is : Thairfor the said Janet Carruthers bindis and oblissis her and her airis to entir as ane of the airis of lyne to her said umquhile fader, that ane half of all and sundry his lands and heritage with all diligence possible and immediatlie eftir hir entry thairto to resigne the saimen into the hands of the superiors thairof in favors of the said Sir James and his aires or to infeft them heritablie thairin be her to be holden as freely as the said umquhile Simon hir fader held the saimen as best sall please the said Sir James or his aires or assignais. (Original produced in *Loc. of Moffat*, 1852.)

It was seen and noted by the late Charles Stewart of Hillside, who wrote thus of it on 27th April 1868 :—"This laboured and curiously worded deed attracted my attention, so very curious and illustrative of

the times, and of the manner in which the Queensberries acquired their many detached estates. The obtaining the wardship, the providing the helpless young woman with meat, drink, &c., and a husband apparently so inferior to her own high position in the country, and the many other reasons assigned, look very like dishonourable motives and actions; yet there might have been extenuating circumstances which prevent us now forming a correct judgment. One reason for giving away her large property, I have little doubt, is well founded. It is mentioned that Simon, her father, could not make good his rents, nor could she, by reason of being in so troublous a country, &c., and she could not "bruick her awin." Thomas Rorison of Bardannoch, the gentleman selected as Janet Carruther's husband, was forfeited for coining in 1581 at Edinburgh (Moysie's *Memoirs of the Affairs of Scotland*, 1577–1603). The Bannatyne Club edition of 1830 runs thus:—"wes forfalted ane Thomas Rorestoun for adulterus and fals money connyed." The edition of 1755 says, "Thomas Roresone of Bardamno for forging and outputting of false coin."

The deed of 1560 was followed by a charter of alienation by Janet and her husband, of "all and whole her half of the lands of Mouswald and others, and her half of the £20 land of Logan Tenement, with the mills," &c., dated 16th July 1562. Upon this charter seisin followed in favour of Sir James (Original produced in *Loc. of Moffat*, 1852).

Having got one daughter married to a dependant of his own, and obtained her half of the estate, Douglas kept the younger daughter Marioun apparently in close custody, for she seems, from all that is recorded of her, to have been possessed of more resolution and spirit than her sister Janet. Steadily keeping the main purpose in view, Douglas had obtained a confirmation from the Queen of the deed he had got two years before from Janet Carruthers, the elder sister. This confirmation exists in the Register of the Great Seal, and runs thus:—"Regina confirmavit cartam factam per Jonetam Carutheris seniorem filiam et alteram heredum duarum quondam Symonis Carutheris de Mowswald [qua-cum consensu Thome Roresoun de Bardannoch conjugis sui—pro summa pecunie persoluta aliisque gratitudinibus, &c.], concessit Jacobo Dowglas de Drumlanrig militi heredibus ejus et assignatis—dimedietatem terrarum suarum subscriptarum." Then follows an enumeration

of the lands of Simon's barony, including, however, also "Myddilbe," with its church patronage, and also Raffelgil (Raffles), which are not named among the lands erected into a barony for Simon Carruthers. The witnesses mentioned are Edward Crichton of Sanquhar, Robert Douglas, Provost of Lincluden, Herbert Jardine of Auldgarth (? Applegarth), &c.; and the charter of confirmation seems to have been executed on 8th January 1562–3 at Drumlanrig (*Reg. Mag. Sig.*, vol. iii. p. 326, No. 1440). In 1561 Queen Mary arrived from France, and in the following year an entry in the Privy Council Records throws some light on poor Marioun's position. On the 28th of January, 1562–3, "in presence of the Queenis Majeste and Lordis of Secrete Counsale forsaidis, comperit Marioun Carrutheris, ane of the twa dochteris and airis of umquhile Symon Carrutheris of Mouswald and Charlis Murray of Cokpule her mudir brother, and desirit the Queenis Majeste to permit the said Marioun to pas to the burgh of Edinburch, thair to consult and avise with hir friendis anent the thingis requirit of hir be the Counsale in the Queenis grace name for the common wele of this realm quhill the penult day of Januar instant, schö the said day being presentit agane before thame in the samin, schö is now in quhilk the Queenis Majeste grantit: and thairfore the said Charlis promittit band and oblist him that the said Marioun suld be presentit befoir the Queenis Majeste and Lordis foirsaidis the said penult day of Januar instant in eodem statu et eadem causa that schö now is in without ony band or contract of marriage, selling of hir landis, or any uthir bandis or promissis to be maid be hir in the mentyme: and als the Queenis Majeste and Lordis foirsaidis declarit that the said Marioun wes fre and at her aune liberte, and that James Earl of Mortoun, Chancellar, in quhais landis schö wes consignit is fre of all forthir keeping of hir, and exonerit and dischargit thereof; and also that James Douglas of Drumlangig, knycht, hes obtemperit and obeyit the command of the decrete and lettres obtenit and purchest aganis him be the said Charlis and utheris, the said Marioun's freindis for putting of hir to liberte in sa fer as concernis the said Marioun." (*Reg. Privy Council*, vol. i. p. 233.)

From this we learn that Marioun, with her maternal uncle, Charles Murray of Cokpule, appeared before the Privy Council and obtained

leave to visit Edinburgh and consult her friends about her affairs, but there was evidently an opposing and suspicious interest, no doubt that of Douglas, and the permission was fenced by conditions against her being bound in the interval by any contract of marriage, or of alienation of her lands. She must have been from this record still under the charge of the Chancellor, Lord Mortoun, and resident on his property, in accordance with an arrangement made as the result of proceedings taken, at the instance of Cokpule and others against Douglas, to compel him to set her at liberty. What these proceedings were is clearly shown by the decree of the Lords of Council on 29th January 1562–3, suspending the whole process against Sir James, and declaring the letters of horning obtained against him to have been wrongously and unjustly executed. From the narrative we learn that Charles Murray had obtained a decree requiring Douglas to produce both heiresses before the Council "to be seen and considerit be thame gif thai be at libertie or not, and to hear and see thame decernit to be set to libertie and to freedome furth of the said James thraldome and subjection." Douglas argued that Janet, being married, was "only bundin to hir husband;" and as regards Marioun, that he brought her and put her in the Chancellor's hands. At the hearing of the cause a letter from Queen Mary was produced desiring her advocates to abandon the action against Sir James, as Marioun had been produced through the Chancellor, in whose care she was and had been set at liberty "in cumpany of the said Charles, quha confesit and grantit the samen."

On the same day, the 29th January 1562–3, letters of inhibition were raised at the instance of Drumlanrig, which sufficiently reveal the part he was playing. After narrating the gift of the ward and marriage, the document proceeds—"Albeit he hes conform to the tenour thairof requirit Marioun Carutheris, ane of the dochteris and appearand airis to the said umquhile Symon to marie and offerit to hir ane partie agreeable without dispairiage, sche being of perfyte aige, sche hes alluterlie refusit the samyn bot intendis in defraude of the said Sir James to marie hirself uthirwiss as sche pleiss, and in the mene tyme to sell annalie dispone and put away hir landis, heretaigeis, stedingis, movable and unmovable, and to mak priuat or publick assignationis, resignationis, renunciationis

and dispositionis of the samyn and hir heretable ryght which scho may haif thairto be deceiss of hir said umquhile fader, guidschir, grandschir or oyeris hir predecessouris sua that the said Sir James sal be defraudit of the said marriage and proffittis quhilkis may redound to him be ressone thairof, not onlie to hir awin hurt and apparend skaith, but alsua to the said Sir James' grait hurt and dampnage, without we and the lordis of our Counsale provyde remeid thairto as is allegeit." (Originals produced in *Loc. of Moffat*, 1852.)

On 30th January 1562–3, the very day after the date of the inhibition, Douglas took a further step, and personally going to the unfortunate heiress, formally intimated to her the fact of his having received the gift of ward and marriage of Mouswald, and then by virtue thereof "offerit to hir into mariage Johne M'Math, sone and appearand aire to James M'Math of Dalpedder, being alsua personally present with the said James Douglas, being ane gentleman as partye aggreable to hir without disparaige, quha offerit himself alsua readye to solemenize the said band of matrimonie with the said Marioun gif sche plesit and to that effect the said James donater foresaid maist ernistlie requiryt the said Marioun to fulfil and compleit the said band of matrimonye with the said Johne M'Math as effeirit oweir in the kirk of Borthick quhare (as the said James understands) that sche was ordainit be the counsale to remove for the tyme or into ony place quhare sche plesit upon the first day of Merche next to cum thaireftir, or uthir convenient day sche plesit to appoint and gif sche failzeit he protestit for the double avail of hir mariage quhilk the said Marioun refusit to do, and declarit that sche wald not be at the said James' byddin." (Original produced in *Loc. of Moffat*, 1852.)

The thread of poor Marioun's story is again taken up by the Records of the Privy Council's proceedings on 1st February 1562–3, when before the Queen and Council "comperit John, Lord Borthuik, and Marioun Carrutheris, ane of the twa dochteris and airis of umquhile Symon Carrutheris of Mouswald; and the said Lord knawing the said Marioun to be his tendir freynd and kynniswoman, acceptit hir to be in cumpany with him, his barnis and familie at her aune liberte and freedome for the space of fourty dais nixt to cum, eftir that day of the dait hereof, and he

and the said Marioun band and oblist thame to the Queenis Majeste that scho sall remane with the said Lord and his barnis, and on na wise depart fra him to Ananderdale or ony other partis during the said space of fourty dais under the pane of twa thousand pundis; and als the said dais being bipast, that scho sall not thaireftir depart fra the said Lord quhill he mak advertisment of hir departing, and day thairof, in speciale to the Queenis Majeste and Counsale ane certane ressonable tyme and space befoir hir departing that the Queenis Majeste may tak ordoure thairin, as accordis, under the pane above reheirsit; and the said Marioun oblist hir to releve the said Lord of the premissis."

Lord Borthwick's precise relationship to the heiress it has not been found possible to ascertain, but probably the clue is to be sought in determining who was the wife of that Lord Borthwick who fell at Flodden. At any rate Lord Borthwick seems to have befriended the poor girl, and to have offered (apparently with the knowledge of Douglas) to take her to stay with him and his family for forty days, she undertaking not to leave him, and go to Annandale or elsewhere under a penalty of £2000, and further, under a like penalty, not to leave his house at all without giving due notice to the Privy Council. The purpose of all these precautions seems to have been a dread on the part of Douglas that Marioun would marry some one who would thus acquire her rights in Mouswald. This seems pretty clear from the fact that, in 1563, she was obliged to find caution that she would not marry "ane traitor or outher broken man of the country." Thomas Borthwick of Pryncardo and Michael Borthwick of Glengelt became sureties in £1000 (Scots) to this effect.

After all these proceedings, Marioun, no doubt under the advice of her friends, took steps to make up her title to the half of Mouswald, and accordingly, on 13th March 1562–3, she expede a retour in the Court of Lochmaben before Sir John Maxwell of Terregles, knight, steward of Annandale, specially so constituted by commission, as second daughter and one of the two heirs of Simon her father (Original produced in *Loc. of Moffat*, 1852). The unfortunate heiress, harassed on every side by the sinister influence of Drumlanrig, now attempted by alienation to preserve her inheritance. She accordingly, on 11th May 1564, conveyed to her uncle, Charles Murray of Cokpule, "pro ingentibus pecuniarum summis

persolutis" her half of the lands of Mouswald, and on 24th June 1564 the deed was confirmed by Queen Mary (*Reg. Mag. Sig.*, vol. iii. p. 355, No. 1537). The granter is described as "Mariota Carutheris junior filia et una duarum heredum quondam Symonis Carutheris de Mouswald," and the list of lands conveyed is both inaccurate and incomplete, probably because the original charter of barony was not accessible to the writer. Logane-tenement, Pennersax, Westkalis, with the Holms of Annan, are entirely omitted, while other lands are described differently from the terms used in the deed granted by Janet to Drumlanrig. At the same time "Stanneries" is this time described as "in the parish of Trailtrow," and the Dornock fishings are defined as "de lie Raisnet de Dornock." These "raise-net fishings" were of much importance (Sinclair's *Stat. Account*, vol. ii. p. 6): and the Kirk-Session records of Graitney (Gretna), the next parish, contain numerous references to them. It has been possible, through the courtesy of Mr Bell, minister of that parish, to give one or two of the more interesting of them. Complaints are found in 1766 of the "unaccountable freedoms" of the fishermen lessees on the Lord's Day:—"When one of the raise nets had something broke by a ship sailing over it, the net was mended on the very Lord's Day by them or their order. The nets are not strapit, but the same methods followed by their servants as those on the English side who make no difference what day they fish, and prepare alike every day for catching every flood, week day, Sabbath day." The answer was, practically, that they only did what the Dornock men did, but not killing the fish till the Monday; whereas Dornoch got credit by keeping their nets strapped in the shallow water, but leaving them down unstrapped in the deeper places, the "lakes" or pools in the sand. The Sabbath Day's draught, in 1770, on one occasion, yielded £5, to the horror of the stricter sort. Again, in 1774, these incorrigible fishermen with raise-nets were gravely threatened with lesser excommunication and all the pains and penalties the Church could exercise, but they still remained recalcitrant, and did not compear.

Marioun's deed was executed at Comlongan, the residence of Charles Murray, and amongst the witnesses were William Somervele, vicar of "Kikbene," and Matthew Saidlar, rector of "Pennirsax."

Of course, Sir James Douglas could not let such a conveyance pass without challenge, and he was successful in his contention that his rights of ward and marriage precluded its legal execution, Janet Carruthers, with Rorison, her husband, siding against poor Marioun (*Hist. MSS. Commission*, 6th Report, Appendix, p. 709). The fact of this reduction is narrated in certain formal letters of inhibition obtained subsequently to Marioun's death, the date being given as 16th February 15 , but probably the year was 1564–5.

The tragedy which terminated the struggle of the hapless Marioun against her oppressor is narrated in the gift of the escheat in favour of Sir William Douglas of Hawick by King James VI. on 17th October 1570. That document says that the lands had fallen to the Crown be ressoun of eschete "throw the said Marioun Carrutheris wilfull slaying of hir self in leiping ovir the wall of the Castell touer and fortalice of Cullyngane, upoun the twenty-five day of September last bipast, and thairthrow wilfullie breaking of hir awin craig and banis quhairof sche deit" (*MS. Inventory*). Charles Carruthers, now ninety-four years of age, in reply to inquiries about Cullingane, states that he has no doubt that it was meant for Comlongan, the ancient stronghold of the Murrays of Cokpule. It confirms, he says, a story he was told of this castle when a boy, how a lady had thrown herself over the wall of the tower, and how the grass never grew on the place where she fell. The precise spot whence she leaped was shown him on the battlements at the east corner, close to the "look-out" tower whence watch was kept on the English border.

How it was that the miserable heiress should have thus put an end to her life when at Comlongan, the home of her uncle who had so strongly befriended her, seems difficult to understand, but it may be that some light is thrown on the mystery by the fact that there was a matrimonial alliance between the daughter of Drumlanrig and the son of Cokpule. The persistent traditions of the family, and of the district, maintain that there was something uncanny about the manner of her death.

Thus it came to pass that the last daughter of an ancient house found herself friendless and deserted, until death seemed her only means of escape from her enemies. Driven by madness or despair to suicide, or, as tradition will have it, found lying dead with strong

suspicions of foul play, the poor creature perished miserably, and the unscrupulous rapacity of Douglas had accomplished its end.

Around Mouswald the growing influence and power of the new family was making itself surely felt, and accordingly we find bonds of fealty and dependence entered into by Carruthers of Holmains, his son, and Carruthers of Dormont, to Sir James Douglas, on 12th September 1568. (*MS. Inventory*, 940, Appendix, No. 5.)

In November 1569, the religious services at Mouswald were supplied by a reader named Thomas Weir (*Fast. Eccl. Scot.*, ii. 658), showing that the Reformed doctrines had reached the parish, as might have been expected from the fact that four years previously the last high mass in Scotland under the old régime was celebrated in the town of Dumfries (*Riddell MSS.*, vol. ii.). From 1576 and onwards until 1585, John Edgar was minister of the parish, but everything must have been very unsettled and unsafe at Mouswald during this period, for the Register of the Privy Council has preserved "The Discourse" of Lord Herries upon the state of the West Marches about 1578–9, in which he says,—"The thevis of the same marche with assistance of the Englische thevis hes slayne your principale barronis that wes narrest adjacent to the marches sic the Lord Carlile, the lairdies Mouswald, Kirkmichaell, Kirkconnel, and Lagane in Annanderdaill with money uthir sobir landit men." This, as already remarked, points to Simon Carruthers having been killed in a marauding expedition. Lord Herries also shows that since Simon's death, thirty years before, Mouswald Tower had not been held by any capable defender, because he advises that "honest household is" should be located by the various barons "the lard Drumlanrig in Mouswald or Ros, the lard of Lag in Rokell," &c. This "Discourse" bore fruit in the issue of a commission, on 22nd December 1584, to "William Lord Herries, Sir John Gordon of Lochinvar, Alexander Stewart of Garlies, James Douglas of Drumlanrig, Thomas McClellan of Bombie, Thomas Kirkpatrick of Closeburn, John Charteris of Amisfield, Alexander Jardine of Applegarth, and Charles Murray of Cokpule," or to any seven, five, or three of them conjunctly, to make all requisite arrangements for keeping the peace on the West Marches, repressing disturbances, and checking crime and disorder.

On 8th March 1588, Sir James Douglas of Drumlanrig resigned

into the hands of King James VI. all the "Land of Carrutheris and Mouswald," along with Logane Tenement, for new infeftment to himself and his heirs male. Resignation at Holyrood House, on 8th March, and instrument endorsed thereon, 17th March 1588. Following this on March 18th, came a charter of resignation and an erection of Logane Tenement into the barony of Drumlanrig, sasine conform to instrument, dated 11th April 1589. (Original produced in *Loc. of Moffat*, 1852.)

In 1594, an Act of Parliament was obtained to bolster up the title of Sir James Douglas to the barony of Mouswald, and in the statute the following clauses, *inter alios*, occur :—

All and haill the ten pund land of Carrutheris Dounabie and Kirktilclosh with the pertinents liand within the Stewartrie of Ananderdaill, All and hail the xx pund land of auld extent of Mouswald howquhat and haitlandhill with the tour fortalice mylnis and donatioun of the kirk of Mouswald, All and haill the twentie pund land of Logane tenement with the mylnis and pertinentis, All and haill the ten pund land of auld extent of drownok with the half of the fisching of the same, All and haill the xl *s.* land of cummertreis, All and haill the merk land of Stanneries, All and haill the twenty pund land of pendersax with advocatioun and donatioun of the kirk of the same, All and haill the ten pund land of Mydilbie with advocatioun and donatioun of the kirk of the same, All and haill the 5 merk land of Westskalis, All and haill the tua merk land of auld extent of hoddum, All and haill the merk land of the holms of anand callit the blewberrie landis.

Although thus apparently secured by an Act of Parliament, it will be noticed that Douglas had not any conveyance of the half of Mouswald which had belonged to Marioun Carruthers. He had long, no doubt, treated it as his own, and this Act makes no distinction, but deals with the whole estate; nevertheless, in order to prevent any possible question, it was not too late even now to get from the surviving sister Janet a formal conveyance of the second half of the estate to which, on her sister's death, she had become entitled. The necessary deed was obtained on 11th May 1604. Then followed a ratification and disposition by Janet Carruthers, "Ladee Bardannoch, ane of the twa dochteris and airis portioneris of umquhile Simon Carruthers of Mouswald and sister and air of the twa airis portioneris of the said umquhile Simon our father." Then comes a narrative of the Crown charter to Sir James Douglas, and

of his payment to her and to Andrew "Rorreson" of Bardannoch, her son and heir, of "grete soumes of money," and the purchase from her and her son of the half "uhilk pertenit to the said umquhile Marion Carruthers my sister," and further narrating the prior sale by Janet and her husband of her own half. Therefore she ratifies and approves the said Crown charter, and of new sells and dispones to Douglas all the lands specified—sasine dated the 6th, and registered in the Secretary's Register of the Sheriffdom of Dumfries and Stewartries of Kirkcudbright and Annandale, 26th November 1607. In the same year a retour was expede on 17th May by John Carruthers in Woodfute, as heir of John Carruthers in Logan Woodfute, his grandfather, in the lands of Howthat, in the parish of Mouswald, a part of the old barony (*Dumfries Retours*). This corroborates the statement made in the agreement of 1560, by which Janet alienated her half of Mouswald.

Although "grete soumes of money" are conveniently set forth in the conveyances, it is only too obvious that Drumlanrig got far more than he gave.

Fig. 6. Panel over Door of Grierson Burialplace, Mouswald Church.
[From a drawing kindly made for this paper by James Barbour, Esq., Dumfries.]

We now enter fairly upon the second phase in the history of the barony of Mouswald, for upon 7th and 8th October 1608 Sir James Douglas

granted a charter of subfeudation, and seisin followed, registered at Dumfries 5th November of the same year. The charter was in favour of "his second son James, afterwards of Mouswald, as an establishment for him in place of his portion," containing Mousewal, Houtquhat, and Hetlandhill, with mills and other appurtenances, Rafflegill, and Dornock, with the fishings, and likewise "the 5 marks of Craigmoy lying in the Stewartry of Kirkcudbright, there united together and erected (but by Sir James' own authority only) into a free Tenantry called the Tenantry of Mousewal, to be redeemed by himself (not by his heirs) for 5 marks."

Mouswald having thus become the portion of a younger son of Drumlanrig, it is somewhat amusing to notice how quickly the new owner began to get rid of some of the obligations attached to the estate. The aid of Parliament was invoked, and an "Act for uniting certain kirkis in Annandaill" was passed in 1609. The following were amongst its provisions:—"Considering perfytlie that thair is nothing mair neidfull for the advancement of Goddis honour within this Realme and establissing of justice and peax in the pairtis sumtyme callit the bordours. Then the planting of kirkis . . . . . and theirwith understanding by the reporte of the right reverend father in God Johne Archbischop of Glasgow . . . . . That the povertie of the inhabitants in these pairtis is so great that it is impossible that the said kirkis can ather be repairit or yit be sufficientlie plantit with ministeris In regard of the meannes of the parochines unless certane of the saidis kirkis Lyand nixt adjacent to otheris be unitit and annexit Togidder whilkis alsua may verie commodiouslie be done . . . . . Thairfoir his Majestie and Estaittis ordanis and statutis ane unioun to be of the kirkis and parochinnes eftir following, That is to say the kirkis of Mekill-daltoun, litill-daltoun, and Mowswald the said three kirkis to be unite in one, the place of resorting for heiring of the word and ministratioun of the sacramentis to be at litill-daltoun . . . . . The kirkis of Middillbie, Tundersacks and Corrutheres, the place to be at Middillbie . . . . . ."

The inference from all this may be fairly enough drawn. Drumlanrig, the father, and Mouswald, the son, each got relief from the burden of

supporting three churches, and had but one in future to repair and maintain.

It was not long, however, ere James of Mouswald got a further concession from his father, for on resigning the lands of Dornock and Craignoy, on 19th October 1613, he was freed from the possibility of having the Tenantry redeemed by his father, "who on that account had remitted the power of redeeming the rest of the Tenantry" (*MS. Inventory of Queensberry Charters*, p. 17).

By the authority of a letter of King James VI. to the Privy Council, on 27th May 1615, the place for religious worship in the district was removed from Little Dalton to Mouswald. It is evident that within so short a time as six years, the inconvenience of the previous arrangement had been made sufficiently apparent. It is also clear that the statements made in 1609 as to the church of Mouswald were incorrect, or probably based on erroneous information, unless it be that a new church was built at this time. This matter, however, will be more particularly referred to when the disjunction of the parishes is mentioned. When the place for religious worship was altered, the minister, William Hammiltoun, A.M., was also transferred from Little Dalton to Mouswald (*Fast. Eccl. Scot.*, ii. 658), and he retained the cure until 1627 at any rate.

James Douglas of Mouswald, in 1615 married Helena, eldest daughter of Sir William Grierson of Lag, as appears from the following entry in Charles Kirkpatrick Sharpe's manuscript notes taken from the Lag papers in 1829:—"Contract of marriage between Lag and Mouswall at the Lag 2nd November 1615, Sir William Grierson of Lag, knight, for himself and taking burden on for Helena Grierson his eldest daughter with consent of Robert Grierson his eldest son, &c., and James Douglas of Mouswall, lauchful son to umquhile Sir James Douglas of Drumlanrig knight." The bride to have from her husband 540 merks yearly—her tocher to be 5500 merks. Sir William Grierson duly paid the portion of his daughter, for on 29th May 1618 a discharge for the amount was granted by Douglas of Mouswald (*MS. Notes on Lag Papers*, by C. K. Sharpe).

The new laird of Mouswald was ere long accused of a deed of blood,

in the murder of a scion of the older stock. On 2nd January 1617, John Carruthers of Dormont was slaughtered "with shottis of hagbuttis and pistolats," in the dwelling-house of John Mundell, Torthorwald. All the accused were Mouswald people, and amongst them were James Douglas of Mouswald, John and William Grierson his servants, also John Carlyle in Banks and Thomas his son, John Blak in Mouswald, &c. None of these appeared, but Habbie Rae, Peter M'Key, servitor to the Laird of Lag, and some twenty others, did so. It seems probable that the crime may have arisen out of a quarrel induced by the unhallowed success of the Douglases in acquiring Mouswald.

On 11th April 1627, as appears from the burgh records of Dumfries, James, now Sir James, Douglas of Mouswald, granted a gift of "the £20 land of auld extent of Mouswall, Howthat, Haitlandhill, with the tower, fortalice and manor place of Mouswall and the mill, multures, &c. of the same;" together with the 20 shilling land of Raffles to James, his son, and Agnes, daughter of John Rome of Dalswinton-Holm, his espoused wife, under reservation of various lands to himself in liferent. The seisin was registered at Dumfries 1st May 1627. There was also a formal marriage contract between the parties (*MS. Inventory,* p. 118). With regard to some of these portions of the barony, however, we must conclude that some disputed questions of ownership still remained; for on 8th March 1628, the retours prove John Carruthers of Raffles to have been served heir of John Carruthers his father in Raffles, Howquhat, and Robiquhat.

With the sanction of Parliament, in 1633 King Charles I. issued a "commissioun anent the disjoining of Meikle and litle Daltounes," &c. An Act was passed, and the two Daltons were declared "to be ane seuerall cure and paroche kirk per se fra Mouswald." Thus, within twenty-four years of their union, Dalton and Mouswald again became independent parishes, and it may be from this very fact inferred how small had been the necessity for the union, separated as they are from one another by the nature of the ground.

The early church at Mouswald was dedicated to St Peter, and to this day a well near by is known as St Peter's Well. As already noticed, the disrepair of the church in 1609 was probably exaggerated to serve a

special purpose, and in 1615, when worship was resumed there, either the old building must have been repaired or a new church built. Looking to the surrounding circumstances, I am disposed to think it unlikely that a new church was erected, but unfortunately no drawing exists of the church taken down in 1815, which probably might have afforded architectural evidence on the subject. Fortunately, however, it has been possible to obtain a description from memory of this church from Mr Charles Carruthers in Charlesfield, near Annan. He is a man of a great

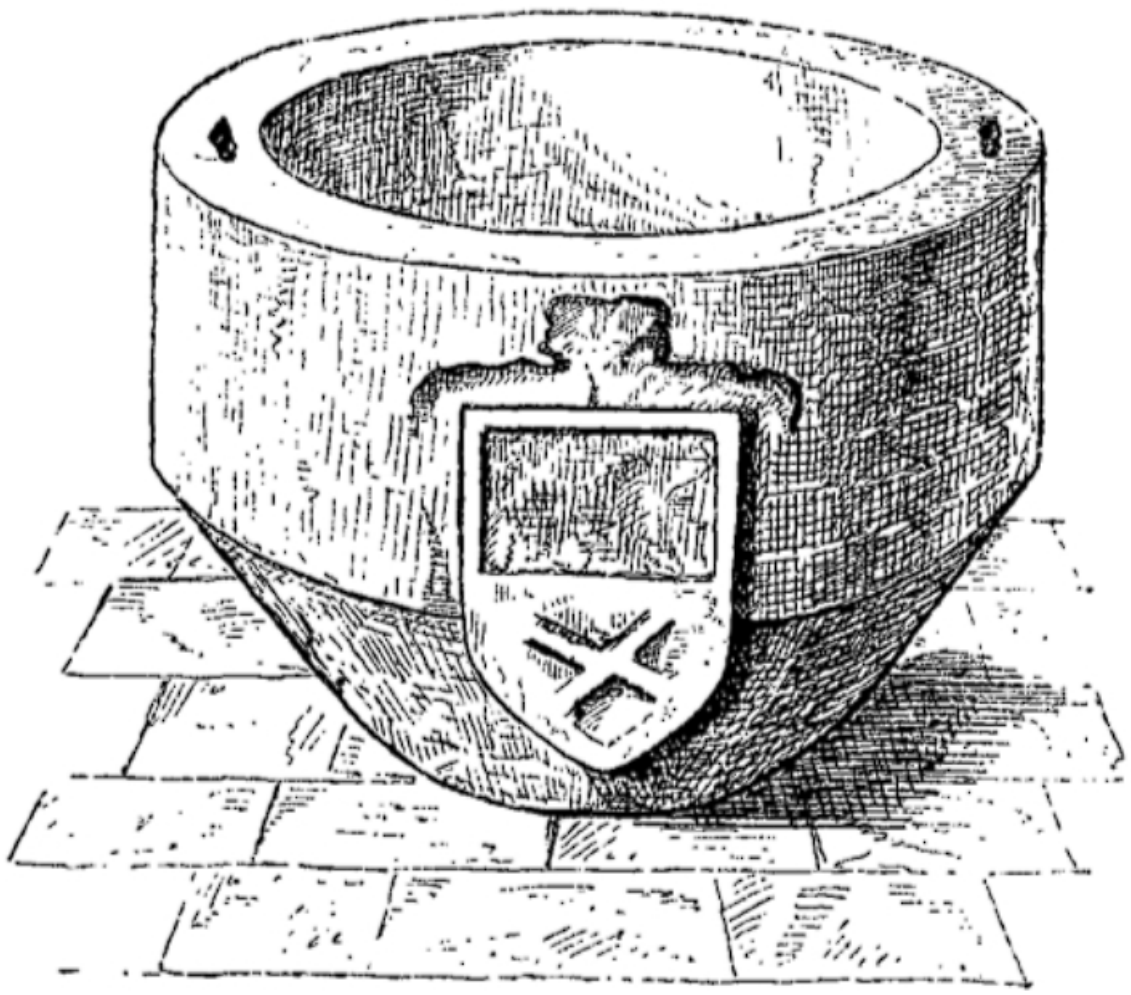


Fig. 7. Font from Mouswald Church.

age, having been born on 1st October 1794, and about 1830 was tenant of Mouswald Place when it was sold by the Marquis of Queensberry. He says that he "can remember the old church at Mouswald very well; it looked very old, and was like a barn on entering; it was two steps below the level of the ground. It had very small windows, and the original seats had all been carved, but some new ones had been put in. There was a gallery at the north end, which belonged to Rockhall; at the

south end there was a small gallery, where they kept the benches and the tent which they used at the time of the Sacrament, the church being too small to hold all the people. The tent was erected on Mouswald green in the village, beside the burn." The carved seats must almost certainly have been pre-Reformation, but beyond this description only one record of the ancient church has been preserved, and that is the font, of which a drawing has kindly been placed at my service by Mr Russell Walker, F.S.A. Scot. (fig. 7, p. 69).

Capt. Riddell of Glenriddell, in his MSS., about 1786, says :—"This ancient font I had brought to Friar's Carse from Mouswald church in Annandale. Upon it are the armorial bearings of the ancient family of Torthorwald of that Ilk, viz., a saltyre and chief, the last charged with three Bezants. This shield is timbered with an angel's head and wings —a distinction sometimes granted by the church which, as well as the figure of a knight cross-legged, were only granted to persons who had performed a crusade or been considerable benefactors to the Church." The font, with several others, similarly acquired, still remains at Friar's Carse. If Capt. Riddell be correct, it is an object of most venerable antiquity, for the main line of the House of Torthorald terminated on the death, in 1296, of Sir David de Torthorald, whose only daughter Isabel married Humphry Kirkpatrick. An original discharge, dated 27th June 1288, by Sir David to the Alderman of Dumfries, is still extant, and we also find that in 1291 Sir David de Torthorald, and Thomas, probably his brother, swore fealty to Edward I. at Berwick (*Ragman's Roll*); and his name occurs in 20 Edw. I., in the letters testimonial of the auditors declaring that the pleadings of Bruce and Balliol had so concluded that the King might give judgment. Sir David's wife bore the name of Cristiana, and his seal is engraved in vol. ii. of the *Calendar of Documents relating to Scotland*. About the end of last century, an old gravestone was discovered at Torthorwald of Sir David de Torthorald, bearing the family arms, a saltire charged with three Bezants in chief (*Riddell's MSS.*).

Fig. 8. Seal of Sir David de Torthorald.

The Torthoralds, in the whole of the struggles with England, sided with the Edwards against national independence, and of course suffered a loss of their estates in consequence. It is quite a possible conjecture that Mouswald in the thirteenth century formed a portion of the Torthorald estate, and that on the overthrow of the English it was forfeited by Bruce, who, whilst giving to Isabel's husband, as one of his own supporters, Torthorwald itself, assigned Mouswald to the Carruthers family who had steadily supported him. This would in some measure account for the arms on the font. There is existing evidence that in 1313 Sir Thomas de Torthorald was in Lochmaben Castle as one of the English garrison, and subsequently was in Carlisle, and engaged in raids on Pennersax and other places. Again, Sir James de Torthorald was killed fighting for the English at Bannockburn, and his son Sir John, after an unavailing visit in 1328, to claim his lands in Scotland, was compensated two years later for the loss of them by Edward III. (*Cal. Docs. relating to Scotland*, vol. iii.). All this is so far confirmatory of the theory we have ventured to advance.

Reverting to the history of Mouswald, in 1637 Alexander Makgoune, M.A. of St Andrews, became minister, and in the same year gave ten pounds towards building the library of Glasgow University (*Fast. Eccl. Scot.*, ii. 68).

Certain arrangements for the creation of a commission of Scotsmen, to keep the peace of the Border on their own side, are recorded amongst the Parliamentary proceedings on 20th October 1641, and "James Douglas of Mouswall" is one of the commissioners named for the West Border. In 1642 there was executed a ratification, still extant, of the resignation by James Douglas of Mouswald, son of James Douglas of Mouswald, "in regard Earl Queensberry had confirmed to him the lands of Mousewal, Houtquhat, Hetlandhill and Raffelgill." It is dated 23rd July, and registered in the Books of Session, 29th July 1642 (*MS. Inventory*, No. 221, p. 117). From the records of the Scottish Parliament we learn that "the Laird of Mouswald" was M.P. for Dumfriesshire, and attended during the first session of the Parliament of 1644–7.

Foiled in their attempt to get rid of a church in the parish, the

Douglases appear to have directed their attention to the stipend payable to the minister. A notarial copy still exists of a "Provision and Locality for the minister of Mousewal making the stipend of that parish in time to come 3 chalders of meal and bear together 690 merks in money and 20*l.* more for communion elements, February 28, 1650" (*MS. Inventory*, Appendix, No. 1, 638). The minister in question must have been the Rev. Alexander Makgowne, who had obtained the living thirteen years before.

On 7th February 1654, James, eldest son of James Douglas, the third of Mouswald, entered into a contract of marriage with Janet, daughter of Laurie of Maxwelltown. He provided an annuity to her in event of her survival, amounting to 1200 merks, out of the lands of Mouswald, and this annuity was subsequently disposed of, as will be seen. The deed was executed 17th January and 2nd February, and seisin registered at Dumfries 7th February 1654 (*MS. Inventory*, No. 226, p. 119).

In the same year a contract matrimonial was entered into at Mouswald, on 26th June 1654, between William Grierson of Barrowharr (Barquhar), brother of Sir John Grierson of Lag, knight, and Margaret, eldest daughter of James Douglas of Mouswald. His son James is also mentioned, and no doubt was the eldest, and husband of Janet Laurie, though he did not live to succeed. Dote and tocher 3000 merks (*MS. Notes of Lag Papers*, by C. K. Sharpe, 1829). Of this marriage was born the great persecutor of the Covenanters, Robert Grierson, afterwards Sir Robert, the first baronet of Lag; he succeeded to Lag on the death of his cousin Robert, the only son of Sir John, who died at Bath 1666. Sir Robert was served heir 9th April 1669.

At the next stage of our narrative, James, third laird of the Douglas family, was dead, and William Douglas of Mouswald, his son, is mentioned in Mr Sharpe's *MSS. Notes*, under date 1657. Janet Laurie, the widow of the eldest son, married again, her second husband being Gordon of Traquhain, and evidently she found some difficulty in getting payment of her jointure, at any rate after 1660, for "two apprisings of the annuity by her and her second husband from William Douglas of Mousewal, and decreet of constitution," are still extant, both containing

all the lands, but calling Raffelgill "Refflas." The one is for all arrears (3778 merks allowed, November 25, 1663) to Whitsunday 1663; the other for two years more (2400 merks allowed, October 14, 1665) to Whitsunday 1665. Probably Janet Laurie got tired of this troublesome business, for with consent of her husband she disponed the vexatious annuity on 5th May 1665, as from Whitsunday in that year, to John Alison of Glencorse, and on 15th September 1669 Alison in turn disponed it to Lord Drumlanrig, to whose family gradually all the debts of Mouswald were now gathering (*MS. Inventory*, p. 119, No. 226). Following upon these apprisings came a regular series of others, upon which the superior granted seisin, ultimately, however, getting them all into his own hands. Some indeed he took out himself. Thus William, Lord Drumlanrig, afterwards Earl of Queensberry, had an apprising allowed, on 30th July 1672, against John Douglas, by this time Laird of Mouswald in succession to his brother William, who died apparently about 1670. John was served heir to William, the Earl of Queensberry granting precepts and seisin, 3rd and 28th August, registered at Edinburgh 22nd September 1670. The total sum of Lord Drumlanrig's apprising was 16,446 merks.

There is a note by Charles Kirkpatrick Sharpe referable to the year 1671, in which he remarks that, "in some old papers the house is termed Mouswall Place," a name it still bears to this day. In this same year it is mentioned that Agnes Douglas had an annuity of 400 merks from Nunlands and Lochruttonside; this may have been connected with the fact, that her sister Jean became the wife of Gilbert Grierson of Armannoch, Lochrutton, a brother of Sir Robert Grierson of Lag. She had issue John and Margaret; the latter, the wife of William Turnbull, factor to the Laird of Invergellie, succeeded to Armannoch on her brother's death. From an apprising at their instance in 1673, it appears that six younger children of James Douglas, the third of Mouswald, were alive at that date, viz., Archibald, Robert, and George, Nicolas, Jean, and Agnes.

There still exists an original rental of Mouswald, with list of tenants, in 1673. This document, by the courtesy of Mr Carlyle Aitken, has been placed in my hands. It is as follows:—

The Just Rentall of the barronie of Mouswall as it now payes in this Instant year of God 1673 years.

	lib.	*sh.*	*d.*
Imp: Robert Blackstock in Raphells payes teind and rent . .	050	00	0
Item James Conheath in Pantithhill payes teind and rent . .	078	13	4
Item John Rae in Mouswalltoune payes of teind and rent . .	043	10	0
Item John Wright ther payes of teind and rent	036	13	4
Item James Walker ther payes of teind and rent . . .	025	10	0
Item George Ker ther payes of teind and rent	025	10	0
Item Robert Johnstoune ther payes of teind and rent . . .	028	13	4
Item John Irving ther payes of teind and rent	035	16	8
Item John Bule ther payes of teind and rent	031	11	8
Item William Edgair ther payes of teind and rent . . .	026	11	8
Item John Caruders ther payes of teind and rent . . .	025	03	4
Item John Dicksone in Hole ther payes of teind and rent . .	026	11	8
Item Martin Herbertson and James Clerk ther payes of teind and rent	026	11	8
Item Edward Fergusone ther payes of teind and rent . . .	073	15	0
Item David Wood ther payes of teind and rent	031	10	10
Item Symon Dicksone ther payes of teind and rent . . .	049	05	8
Item Herbert Walker ther payes of teind and rent . . .	025	08	0
Item William Maxwell their payes of teind and rent . . .	035	03	4
Item Robert Edgar ther payes of teind and rent	027	12	0
Item John Niccolsone ther payes of teind and rent . . .	037	11	0
Item James Dicksone ther payes of teind and rent . . .	100	00	0
Item John Dicksone in Bottome payes of teind and rent with a ston of butter att 3 lib.	127	00	0
Item John Bell in Erinhirst and John Gowdie ther by equall portions of teind and rent	082	00	0
Item John Wilkie in Newtoune and Agnes Wright ther by equall halfs of teind and rent	077	16	0
Item Thomas Dicksone in Flecksfeild payes of rent and teind .	051	10	0
Item Moungowes land possest be the minister payes of rent and teind	014	13	4
Item Peeter Rae in Burronhill payes of rent and teind . .	044	00	0
Item Thomas Rae ther payes of rent and teind	025	00	0
Item John Barton in Brockillhirst payes of rent and teind .	085	00	0
Andrew Barton ther payes of rent and teind	051	05	4
William Corrie in Cleuchbrae payes of teind and rent . .	028	03	4
George Rae ther payes of teind and rent	028	03	4
Item ther is payed by each of these a Nithsdaill boll of bear estimat to 20 mks the boll	026	13	4

	lib.	*sh.*	*d.*
Item John Rae ther payes of rent and teind	023	10	8
Item Gilbert Walker ther payes of rent and teind . . .	035	00	0
Item Robert Mundell miller payes of bear a boll Nithsdaill measure estimat to 20 merks Item 16 pecks of meal estimat to 16 lib a boll inde of money	029	06	8
Item John Rae in Buish payes	025	08	0
Item George Tueedie ther	040	10	0
Item George Tueedie elder payes	038	10	10
Item George Irving and David hanna by equall halfs payes .	038	10	10
Item Harker Tueedie ther payes of teind and rent . . .	038	10	10
Item John Fergusone ther payes	042	13	4
Christopher Carruthers ther payes	038	10	10
Item John and Robert Cairlyells payes	038	10	10
The Hotlandhill payes	133	06	8
The lands of horsum payes	200	00	0
The Mains of Mouswall payes	340	00	0
Summa totalis . .	2544	11	4

Item of moulter meal instructed by a Rentall apairt to 12 bolls 3 forpets each boll being estimat *communibus annis* att 16 lib per boll	192	15	0
Item of casualitie of kain foulls Lykewayes instructed by a rentall apairt estimat to	042	14	0
Summa of the Rentall and Casualities . .	2781	00	4

The wood presentlie valued by honnest men and thair valuation instructed by a paper apairt *extends to* . . .	2000	00	0
Ommitted John Fouch and John McCarters hous and yeardis worth 4 lib: per piece inde	08	00	0

The Earl of Queensberry by this time had become so large a creditor that John Douglas could hold out no longer, and he accordingly resigned to his "creditor superior" all his lands, by resignation registered in the General Register House at Edinburgh, 24th February 1674 (*MS. Inventory*).

The Earl, now in possession, began at once to look after the stipends of the ministers, and entered into agreements on 3rd February 1675, and on 20th December 1675, with two successive incumbents. With the

first he arranged that the stipend should be limited to 500 merks yearly, but with the second he managed to get it cut down to 475. There seems good reason to think that, if it were possible to get a sight of the original agreements, probably the names of two more ministers might be found to fill the period between Makgowne and Learmonth mentioned by Scott in his *Fasti*.

To clear the estate of the remaining burdens and to complete his title were now the objects the Earl had in view. On 23rd March 1677, a still remaining jointure was acquired, whilst both in this and the preceding year services of John Douglas, as heir to his father, mark the steps taken to complete the title.

John Learmonth, M.A. of Edinburgh, became minister of Mouswald in 1679 (*Fasti Eccles. Scot.*, ii. 659). Another of these Mouswald apprisings was, by conveyance registered on 4th July 1685, transferred by Fergusson of Craigdarroch to William, Duke of Queensberry. The amount was 994*l.* Scots, and it had been allowed as far back as 13th November 1672 to Douglas of Stenhouse, by whom it was conveyed to Craigdarroch. Similarly, the process went on in 1685 and 1686, when the Duke bought up annualrents over Mouswald. At length he obtained, in 1686, "decreet of absolvitor against the children of Mousewal."

About 1688 or 1689, the people ousted Learmonth the minister, and the Rev. John Dunlop was ordained on 29th May 1691, at Lochmaben, by the Presbytery.

The conclusion of the separate history of Mouswald now rapidly approaches. On 25th July 1691, Mr James Lesley, advocate, obtained a decreet of adjudication "on account of Elizabeth Douglas, the granchild of James of Mouswald, by his son Robert." She was, on 9th February 1692, served heir to her uncle George, and in the same year to her uncle Archibald; and when charter and seisin was granted by the Duke of Queensberry as superior, in 1695, to her and her three aunts, the male line of Douglas of Mouswald may be said to have been extinguished at the very time when the lands passed into other hands.

It only remains for us to say a few words about the scanty tokens of their ownership left by the two families whose history we have sought in these pages to tell.

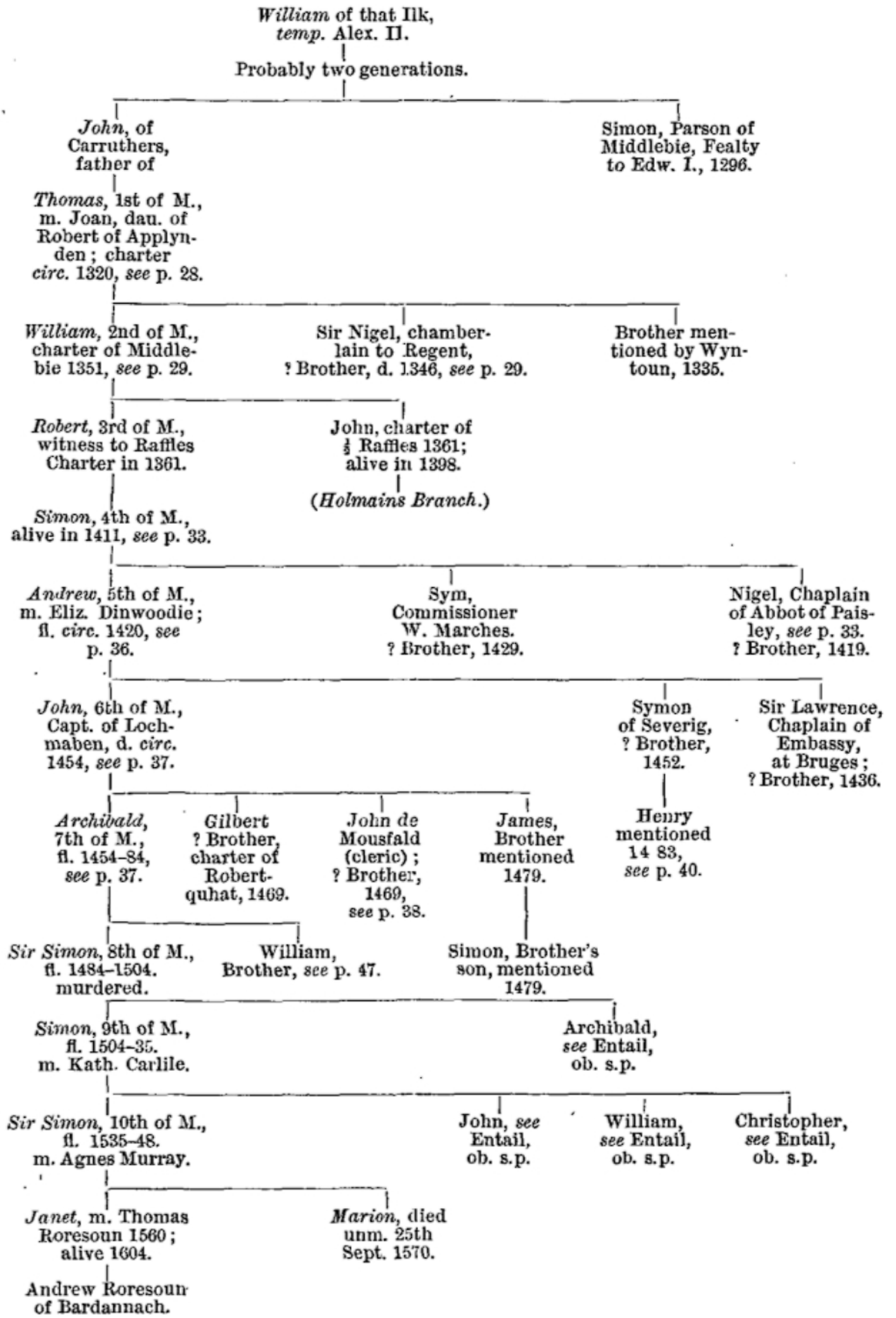
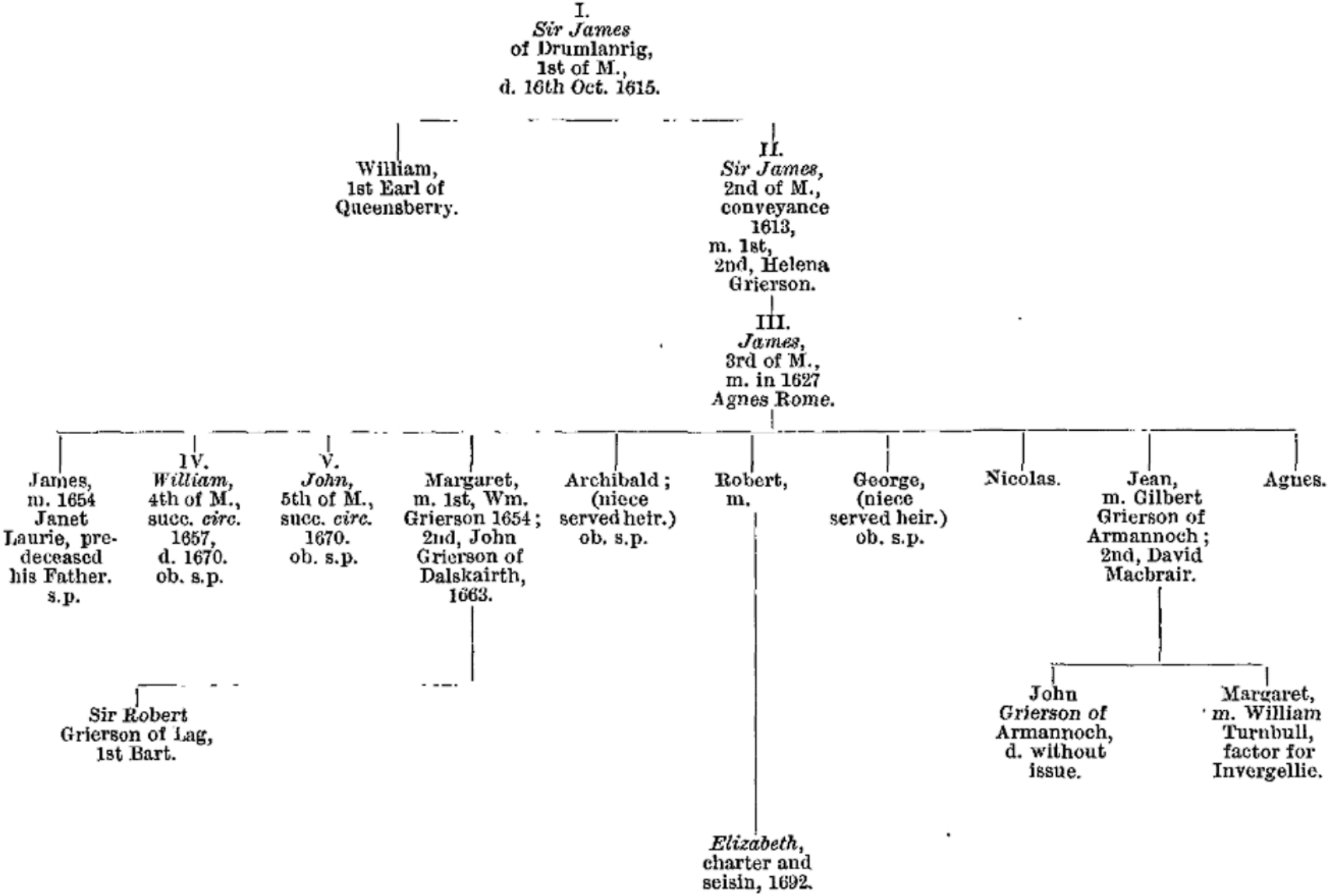
Of the older stock of Carruthers, beyond the grim and weather-worn effigy of the baron lying in his armour in the auld kirkyard, no trace remains, unless indeed it is to be found in the ivy-grown ruin at Mouswald "Place," or in the persistence of the ancient surname far and wide through Annandale.

The Douglases of Mouswald have left perhaps even fewer outward signs of their century of lairdship. When the House of Queensberry had re-absorbed their possessions, the fate of Mouswald was that of an outlying and neglected portion of a great estate. Ere long the fine old tower was, by permission of the Duke, stripped of its coping and corner stones, and the entrance gateway carried off to oblige a neighbour, Grierson of Lag, who wanted them for his stables. Similarly no objection was taken to the acquisition by the same family of the old burying-place in the churchyard, where, over the entrance, can still be traced the arms of Douglas, with I. D. (James Douglas) and A. R. (Agnes Rome) on either side, and the date 1655 below (fig. 6, p. 65).

One stone too there is, built into the oldest portion of the modern mansion-house, which bears a device, no longer decipherable, but it is known once to have had its place over the arch of the drawbridge gate gone now, like the proud barons who used to pass beneath its shadow.

Fig. 9. Seal of Robert de Bruce, Lord of Annandale (from the British Museum, Cart. Cott. 12, 59).

CARRUTHERS OF THAT ILK, AND OF MOUSWALD.



DOUGLAS OF MOUSWALD, *Circ.* 1600–1700.